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5 LUIS LOPEZ

6
7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9

10 LUIS LOPEZ,

11 Plaintiff,

12 v.

13
14 NORTHWEST CASCADE, INC. and DOES 1
15 to 10,

16 Defendants.

Case No. 3:21-CV-06150

**DECLARATION OF SCOTT A. BROWN
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT, OR SUMMARY
ADJUDICATION**

**Judge: Hon. Kandis A. Westmore
Date: August 4, 2022
Time: 1:30 p.m.
Dept.: Via Zoom Videoconference**

**Complaint Filed: August 10, 2021
Trial Date: November 7, 2022**

1 I, Scott A. Brown, declare:

2 1. I am a partner of the law firm of Brown | Poore LLP, attorneys for the plaintiff in
3 this action. I have personal knowledge of the matters stated in this declaration and could
4 competently testify to them if called as a witness.

5 2. Attached as Exhibit A are true and correct copies of excerpts from the deposition
6 of Patrick Donohoue on June 3, 2022.

7 3. Attached as Exhibit B are true and correct copies of excerpts from Defendant's
8 production of documents in this litigation.

9 4. Attached as Exhibit C are true and correct copies of excerpts from Volume 1 of the
10 deposition of Luis Lopez on February 28, 2022.

11 5. Attached as Exhibit D are true and correct copies of excerpts from Volume 2 of the
12 deposition of Luis Lopez on March 25, 2022.

13 6. Attached as Exhibit E is a true and correct copy of excerpts from the deposition of
14 Cesar Garcia on May 26, 2022.

15 7. Attached as Exhibit F is a true and correct copy of excerpts from Plaintiff's Initial
16 Expert Disclosure on June 27, 2022, including an Affidavit from Dr. Phillip H. Allman.

17 8. Attached as Exhibit G is a true and correct copy of my email to defense counsel
18 Glen Williams and Rex Berry on June 10, 2022. No response was received.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed this 7th day of July 2022 in Walnut Creek, California.

21
22 //s// Scott A. Brown
SCOTT A. BROWN

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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LUIS LOPEZ,

Plaintiff,

vs;

Case No.

3:21-cv-06150-KAW

NORTHWEST CASCADE, INC. and
DOES 1 to 10,

Defendants.

_____ /

Videotaped Videoconference Deposition of

PATRICK DONOHOUE

Friday, June 3, 2022

PATRICIA CALLAHAN REPORTING
Certified Shorthand Reporters
(510) 885-2371
depos@callahanreporting.com

Reported by:
MICHELLE D. BARBANTE
CSR NO. 12601

10:16:41 1 A. Correct.

2 Q. When did that occur?

3 A. So March of 2014.

4 Q. Okay. And how did that opportunity arise?

10:16:51 5 A. We -- we started Honey Buckets down in
6 California. Had one manager down here that -- who got
7 it first started off in -- in October of 2013, and for a
8 variety of reasons had to -- had to leave, and -- and I
9 was managing the Washington operation at the time and
10:17:11 10 moved down here to get this thing going.

11 Q. What was your title at the Washington
12 operation?

13 A. Operations manager.

14 Q. And as operation manager, did you have the
10:17:27 15 authority to hire and fire employees?

16 A. Yes.

17 Q. And did you have the authority to discipline
18 them if necessary?

19 A. Yes.

10:17:36 20 Q. Okay. Were you able to set or introduce
21 corporate policy for Honey Bucket as an operations
22 manager?

23 MR. WILLIAMS: Vague and calls for a legal
24 conclusion. You can answer to your -- to your
10:17:49 25 understanding. Excuse me.

10:17:52 1 THE WITNESS: Not necessarily set policy.
2 Definitely procedures, you know, operational procedures
3 I was in -- in control of. As far as the policies, no.
4 BY MR. BROWN:

10:18:04 5 Q. Okay. With respect to operations procedures,
6 did you have input as to revisions or changes that might
7 be made as the operations manager?

8 A. Yes.

9 Q. Okay. And did you have decision-making
10:18:22 10 authority with respect to personnel managers while you
11 were an operations manager?

12 MR. WILLIAMS: Vague and ambiguous. Do you
13 understand?

14 THE WITNESS: I don't -- I don't know -- I
10:18:32 15 don't know what you mean by "personnel managers."

16 BY MR. BROWN:

17 Q. Okay. That's okay. I think you answered it
18 earlier. When you came down to California, were you
19 -- was that still your title, operations manager?

10:18:44 20 A. Yes.

21 Q. Okay. And before you became an operations
22 manager, did you have to go under -- under any sort of
23 training or -- or procedures?

24 A. Yeah. Yes, I -- I did. There are several
10:19:00 25 classes that I had to take as far as the human resources

10:20:12 1 A. Yes.

2 Q. When you moved to California in March of 2014,
3 did you remain -- was your title still operations
4 manager?

10:20:25 5 A. Yes.

6 Q. And is it still operations manager?

7 A. Yes.

8 Q. Okay. Have you had any other positions or
9 titles since 2014?

10:20:35 10 A. I was an area manager for a couple years.

11 Q. And as operation manager, who do you currently
12 report to?

13 A. I currently report to Jason Perry.

14 Q. And is Mr. Perry the COO of Northwest Cascade?

10:20:57 15 A. That's correct.

16 Q. Okay. And do you know who he reports to?

17 A. Greg Potts.

18 Q. And what is Mr. Pott's title?

19 A. CEO.

10:21:11 20 Q. And how long has Mr. Potts been CEO?

21 A. A few years.

22 Q. Are Mr. Perry and Mr. Potts located in the
23 Washington headquarters?

24 A. Mr. -- Mr. Perry is not, but Greg is, yes.

10:21:29 25 Q. Where is Mr. Perry located?

10:28:03 1 Q. Would that be in your personnel file?

2 A. I believe so. I could -- we could get it
3 reproduced, but yes.

4 Q. And what other topics do you recall being
10:28:15 5 covered?

6 A. Again, it was all around discrimination,
7 harassment and -- and recognizing that -- those
8 different behaviors and how to -- how to handle and deal
9 with that stuff.

10:28:32 10 Q. And is it your understanding that Honey Bucket
11 follows the FMLA Act with respect to leaves of absence
12 for employees?

13 A. Yes.

14 Q. Okay. And you've been trained that it's
10:28:46 15 illegal to fire somebody for having a medical condition;
16 is that right?

17 A. Yes. And we would never do that, and I've
18 never done that.

19 Q. And you've been trained that it's illegal to
10:28:57 20 fire somebody for having a disability; is that correct?

21 A. Yes.

22 Q. Okay. Have you ever heard of the California
23 Family Rights Act or CFRA?

24 A. Yes.

10:29:10 25 Q. And likewise, do you understand that the CFRA

10:29:10 1 prohibits an employer from interfering with an
2 employee's right to take medical leave?

3 MR. WILLIAMS: Calls for a legal conclusion,
4 but you can answer to your understanding.

10:29:21 5 THE WITNESS: That is my understanding, yes.
6 BY MR. BROWN:

7 Q. Okay. And have you taken training specifically
8 on the CFRA?

9 A. I don't believe I've had specific training, no.

10:29:38 10 Q. Okay. But you understand that it's improper to
11 terminate somebody based on a medical condition under
12 the CFRA as well?

13 MR. WILLIAMS: Vague as to "improper medical
14 condition," and calls for legal conclusion, but you can
10:29:49 15 answer to your understanding.

16 THE WITNESS: Yes. Again, I would never do
17 that, so --

18 BY MR. BROWN:

19 Q. Have you ever heard the phrase "disability
10:29:57 20 accommodation laws" or something along those lines?

21 A. Yes.

22 Q. Okay. And what's your understanding of
23 disability accommodation laws?

24 A. Really we have to do everything -- to put it
10:30:11 25 real short here is you have to do everything in your

10:30:15 1 power to make reasonable accommodations to the -- to the
2 employee.

3 Q. And has it always been, at least as long as you
4 can recall, Honey Bucket's policy to -- to try to follow
10:30:29 5 state and federal disability accommodation laws?

6 A. Absolutely, yes.

7 Q. Are you familiar with what's called the
8 interactive process?

9 A. No. It's a new term for me.

10:30:42 10 Q. You mentioned reasonable accommodation. You
11 are familiar with that term; is that correct?

12 A. Yes.

13 Q. And are you aware that holding an employee's
14 job until they're able to return to work after an injury
10:30:55 15 is one type of reasonable accommodation?

16 MR. WILLIAMS: Calls for a legal conclusion.
17 Assumes facts not in evidence. So you can answer to
18 your understanding.

19 THE WITNESS: That is my understanding, yes.

10:31:05 20 BY MR. BROWN:

21 Q. And as a supervisor, what are your obligations
22 when somebody tells you, an employee comes to you and
23 says he or she is unable to work because of a medical
24 condition?

10:31:19 25 MR. WILLIAMS: Vague as to "obligations" and

10:31:21 1 incomplete hypothetical. Lacks foundation. You can
2 answer how you understand the question.

3 THE WITNESS: Yeah. So it -- it depends --
4 there's a whole bunch of different variables that play
10:31:34 5 into that. On a typical injury, that injury gets
6 reported immediately, and the -- the -- the employee
7 would fill out what we call an incident report. The
8 supervisor would -- would go to them, complete the
9 investigation, and that paperwork would be forwarded to
10:31:54 10 our -- to our safety director and -- and my boss as
11 well.

12 BY MR. BROWN:

13 Q. And in December of 2020, who was your safety
14 director?

10:32:07 15 A. Eric Wright.

16 Q. And when an employee comes to you and tells you
17 they're unable to work because of a medical condition,
18 are you supposed to advise them of their rights under
19 the FMLA?

10:32:32 20 MR. WILLIAMS: Vague as to the term "medical
21 condition." Calls for a legal conclusion. Incomplete
22 hypothetical. You can answer.

23 THE WITNESS: Yes, I would inform them of
24 the -- the process and what needs to happen.

10:32:44 25 BY MR. BROWN:

10:35:18 1 Q. Okay. I appreciate your response, but my
2 question's a little different. It's simply: If an --
3 if an employee comes to you with a work-related injury
4 or any injury, do you or do you not tell them what
10:35:32 5 they're entitled to under the FMLA?

6 MR. WILLIAMS: Incomplete hypothetical. You
7 can answer.

8 THE WITNESS: Yeah. No, because I don't -- I
9 don't correlate the two.

10:35:42 10 BY MR. BROWN:

11 Q. Okay. If an employee comes to you with a
12 work-related injury or any injury, says he is unable to
13 work for a period of time, do you tell him or advise him
14 of his rights under the California Family Rights Act,
10:35:57 15 the CFRA that we mentioned?

16 A. So -- so I mean of -- "any injury" is kind of
17 vague, but if it would fall under the -- you know, an
18 injury that happened at work, we would advise them of
19 the -- the FMLA and the -- the California benefits that
10:36:15 20 they -- they have.

21 Q. Why would you not tell them about that?

22 A. Why -- I said I would.

23 Q. You would tell them about it?

24 A. Yes.

10:36:21 25 Q. Okay. And what would you tell them with

10:36:27 1 respect to their eligibility under the CFRA?

2 A. So what -- what I typically do is we -- we
3 craft a -- a letter of their benefits and -- and what
4 they need to do, different links they can click on to
10:36:45 5 file for the FMLA and -- and all the information they
6 need to get -- get the leave granted.

7 Q. Okay. And would this letter include
8 information about their eligibility status?

9 MR. WILLIAMS: Vague as to "eligibility
10:37:01 10 status." You can answer how you understand.

11 THE WITNESS: Eligibility status for what? I
12 don't understand.

13 BY MR. BROWN:

14 Q. Sure. Would the letter that you crafted them,
10:37:11 15 would that include, for example, whether they are
16 eligible or not for CFRA?

17 A. Not at that time, no. It's -- it's really a
18 link to how to apply for it is what it is.

19 Q. Would the letter you send to them include the
10:37:34 20 amount of time that would count against their CFRA leave
21 entitlement?

22 MR. WILLIAMS: Vague as to time. You can
23 answer to your understanding.

24 THE WITNESS: Yeah, there's usually a -- a date
10:37:44 25 on there I believe.

10:42:29 1 A. In our -- our employee handbook.

2 Q. Could we pull back Exhibit 1. I believe that
3 was the table of contents, and if -- Mr. Donohoue, if
4 you can just scroll through and identify where that
10:42:50 5 would be contained?

6 A. So -- so it would be in the -- the PTO section,
7 I believe. And "General Work Rules," it's also in
8 there.

9 Q. So general PTO is that -- I see it references
10:43:33 10 the PTO on page 5 and 6. Is that where you believe it's
11 contained?

12 A. So it's going to be in the "General Work Rules"
13 on -- on 3, page 3.

14 Q. Okay. Thank you.

10:43:44 15 A. Yeah. And it will be more clarity in the PTO
16 section, so it's going to be in both.

17 Q. So it would be both on pages 3 and page 6, PTO
18 and General?

19 A. Yeah. Five. Some -- somewhere in that --
10:43:58 20 that -- that range.

21 Q. Okay. Good enough. Have you ever heard of the
22 phrase "progressive discipline"?

23 A. I have.

24 Q. Okay. What's your understanding of what that
10:44:08 25 is?

10:44:08 1 A. So it would be an escalation of discipline.

2 Q. Okay. And does Honey Bucket have any written
3 policies pertaining to progressive discipline for an
4 employee?

10:44:08 5 A. It's -- it's standard practice. I don't -- I
6 don't -- it's not written.

7 Q. So that's a "no"?

8 A. No.

9 Q. I'm sorry? Just so we're clear, because I
10 think we had a double negative there, does Honey Bucket
11 have any written policies that define or set forth what
12 progressive discipline is?

13 A. I do not believe so.

14 Q. But you believe -- you used the phrase "best
10:44:47 15 practices." Is that what you believe it is?

16 A. Yes.

17 Q. Okay. And what different layers of discipline
18 are involved with respect to progressive discipline?

19 A. You have -- starts with a verbal warning and
10:45:00 20 then a written warning and then -- then termination.

21 Q. And the verbal warning, is that -- who is that
22 provided by?

23 A. Typically a supervisor.

24 Q. And --

10:45:15 25 A. Their immediate supervisor.

10:45:16 1 Q. Thank you. Is it Honey Bucket's policy to
2 document that?

3 A. Yes.

4 Q. Even though it's a verbal warning, they
10:45:24 5 hopefully will document it somewhere?

6 A. Yes. Typically in an email.

7 Q. Okay. And then the written warning is that --
8 how is that documented?

9 A. It's -- it's administered by the -- the area
10:45:40 10 manager, and they would do -- they would type it up and
11 then either have their supervisor and the employee sit
12 down and talk about it with the witness and have them
13 sign the -- the document.

14 Q. Okay. Is there any level of progressive
10:45:56 15 discipline between a written warning and termination at
16 Honey Bucket?

17 A. There -- there could be, yes, depending on the
18 circumstances. You've got to take each circumstance on
19 its own and -- and figure out the determining factors,
10:46:13 20 how severe it was and what the appropriate -- and take
21 the appropriate action.

22 Q. Okay. For example, suspension, you've heard of
23 a suspension or -- before?

24 A. I have heard of a suspension, yes.

10:46:27 25 Q. Okay. Is that an example of something between

10:46:29 1 a warning and termination?

2 A. Yes. I would put that in between those two.

3 Q. Anything else you put between those two
4 categories?

10:46:42 5 A. I'm sure there's -- no, I can't think of
6 anything.

7 Q. What type of offenses would fall within a
8 suspension but not termination?

9 MR. WILLIAMS: Incomplete hypothetical. Calls
10 for speculation. Lacks foundation.

11 BY MR. BROWN:

12 Q. Can you just give me some examples of offenses
13 that would fall in a suspension category?

14 A. Again, it depends on the circumstance, what
10:47:11 15 -- what lead to that negative outcome, if it was
16 intentional, if it was a simple mistake, what -- what --
17 how comfortable I am with -- with the -- the direction
18 that this person got, it's -- again, there's a whole
19 bunch of -- whole bunch of factors that would -- or
10:47:38 20 variables that play into it, and we take each one
21 separately and hopefully apply the appropriate
22 discipline.

23 Q. Thank you. Mr. Donohoue, I can't help seeing
24 your eyes shifting to something on the -- on your
10:47:54 25 left-hand side of the table there. Are you reading

10:50:21 1 Order -- Work Rules as we discussed earlier.

2 Q. And the General Work Rules, those are not in
3 writing, are they?

4 A. Yeah, it's in the employee handbook.

10:50:30 5 Q. Okay. So you do believe there's a general rule
6 in the employee handbook that says job abandonment will
7 lead to immediate termination?

8 A. Not in those words, no.

9 Q. What does it say?

10:50:45 10 A. I'd have to read it to give you the exact
11 quote.

12 Q. As operations manager, you've got complete
13 discretion to -- to give whatever type of discipline you
14 see fit; is that right?

10:51:05 15 A. Essentially, yes.

16 Q. Okay.

17 A. Always run it up the -- the chain of command,
18 you know, if -- especially when it comes to termination,
19 I will send my recommendations and -- and -- to Greg or
10:51:21 20 Jason, and get those bought off on or approved.

21 Q. Okay. And when you mentioned chain of command,
22 would you send it up to anybody else for discussion
23 besides the two individuals you just mentioned?

24 A. Typically just the two individuals.

10:51:38 25 Q. Okay. When did you first hear of Luis Lopez?

10:54:11 1 MR. WILLIAMS: Vague as to time.

2 BY MR. BROWN:

3 Q. The first year or so.

4 A. Yeah, I mean there's -- as with any employee,
10:54:22 5 there's good and bad. You know, they do good and do
6 bad. And when they do good, I'm happy. When they do
7 bad, I'm not.

8 Q. Okay. Did Mr. Lopez do his job well?

9 A. Sometimes, yes.

10:54:36 10 Q. Okay. Did -- did he appear to be knowledgeable
11 in the industry and in route driving?

12 A. Yes.

13 Q. And did you notice he shared his knowledge with
14 other employees?

10:54:49 15 A. I didn't notice that, no.

16 Q. Did you ever need -- see or learn that he would
17 help train other drivers at Honey Bucket?

18 A. Yes.

19 Q. Did you consider Mr. Lopez a valuable employee?

10:55:05 20 A. Yes.

21 Q. Okay. If the videographer could introduce, I
22 believe it's called "Driver Compliment #1."

23 (Plaintiff's Exhibit 3 was marked for
24 identification.)

10:55:33 25 BY MR. BROWN:

10:56:55 1 Luis?

2 A. No, it doesn't.

3 Q. Okay. Does -- do you draw a blank on this, or
4 it just doesn't -- no recollection?

10:57:03 5 A. Yeah, it's from a couple years ago, and I can't
6 remember every email I get, but it's -- it appears to be
7 legitimate. I'm sure it's real.

8 Q. Okay. As of June of 2020, did you believe that
9 Luis was competent at his job?

10:57:20 10 A. Some days he was and some days he wasn't.

11 Q. Okay. And -- well, as of this date, he
12 apparently was, correct?

13 A. Or probably a couple days before that, but yes,
14 he -- he received -- it appears he received a customer
10:57:36 15 compliment.

16 Q. If you look at -- actually, can we introduce as
17 next in order, I believe they're called "Wage Change
18 Forms.pdf."

19 (Plaintiff's Exhibit 4 was marked for
10:57:50 20 identification.)

21 BY MR. BROWN:

22 Q. Mr. Donohoue, Exhibit 4, this is the three
23 documents produced by your attorneys Bates-stamp No. 5
24 18 and 56, and they're labeled "Salary/Wage/Change of
10:58:19 25 Duty/Probation Completion Forms." Are you familiar with

10:58:23 1 these documents?

2 A. Yes.

3 Q. Okay. If you turn to the back document, which
4 is Bates-stamped 56, you see it's -- this represents a
10:58:34 5 wage increase to Luis from 14.42 to \$20.60; is that
6 accurate?

7 A. Yes.

8 Q. Is that your signature at the bottom there?

9 A. Yes, it appears so.

10:58:49 10 Q. And if you look at the previous -- or the next
11 page, Bates-stamp 18, we see another increase from I
12 believe it's \$12 to 14.50; is that correct?

13 A. The -- the -- that's what it says. I don't
14 believe that was him, though.

10:59:08 15 Q. Well, if you look at the top, it says
16 "Luis Lopez." Do you -- what do you mean? Do you
17 refer -- referring to something else?

18 A. I'm thinking that's a different Luis Lopez.
19 It's got a different employee number.

10:59:22 20 Q. Okay. Good catch. We can only deal with what
21 we were given here. All right. Well, let's look at the
22 first -- actually, yeah, if you look at the bottom
23 there, or middle, it says "seasonal" at the previous job
24 title, correct?

10:59:36 25 A. Yeah, that says "seasonal" there.

11:42:49 1 correct?

2 A. Yes. So he's going to miss one day of work.

3 Q. Now in your conversation with -- with Luis on
4 the phone, did he say he was quitting Honey Bucket?

11:43:08 5 A. No.

6 Q. Did he say he was abandoning his job?

7 A. No.

8 Q. Did he ever tell you that?

9 A. He didn't tell me anything. He wouldn't talk
11:43:18 10 to me. We tried on several attempts to get ahold of
11 him, and he -- he would not speak to us.

12 Q. I appreciate that, but my question is a little
13 different. On the phone call you had with Mr. Lopez on
14 December 15th, did he say he was quitting Honey Bucket?

11:43:31 15 A. No. He didn't say he wasn't going to show up
16 for four days he was scheduled to work either.

17 Q. Thank you. And on December 15th when you
18 talked to him on the phone, did he say he was abandoning
19 his job at Honey Bucket?

11:43:45 20 A. No. And he didn't -- he didn't explain to me
21 that he wasn't going to be showing up for work either.

22 Q. You mentioned four days. Does Honey Bucket
23 have some written policies that says if you miss
24 four days of work, you're going to be fired for
11:43:56 25 abandonment?

11:45:05 1 Mr. Lopez's abandonment?

2 A. Common sense I guess.

3 Q. Anything else?

4 A. No.

11:45:12 5 Q. Did you talk to anybody that suggested that
6 four days should be the -- the point -- the line in the
7 sand at which you would terminate Mr. Lopez for
8 abandonment?

9 A. So it was too many days is what it was, and --
11:45:26 10 and that's how I communicated that he's -- he's -- we
11 haven't been able to get ahold of him, we don't know
12 what's going on, he won't -- won't talk to us, he's not
13 showing up to work and that's what I said.

14 Q. And again, thank you, but my question's
11:45:37 15 different. Did you speak to anybody who told you
16 four days should be the limit at which you draw a job
17 abandonment or job termination for abandonment?

18 A. No. And I didn't talk about ten days or a
19 hundred days or -- four is -- is too many.

11:45:53 20 Q. So it's --

21 A. More than a few.

22 Q. You made the decision to terminate him after
23 four days on your own?

24 A. I made the recommendation to terminate, yes.

11:46:01 25 Q. And who did you give the recommendation to?

11:46:03 1 A. Greg Potts and Jason Perry.

2 Q. Okay. And did you discuss it further with
3 either Mr. Potts or Mr. Perry?

4 A. Yes. I told them all the -- all the
11:46:15 5 information that I had.

6 Q. Okay. And what did they tell you?

7 A. That it was the right course of action to -- to
8 terminate.

9 Q. I'm sorry, could you just repeat what you just
11:46:28 10 said?

11 A. Yeah. It was the correct course of action. It
12 was the appropriate thing to do to terminate his
13 employment for job abandonment, because he had not shown
14 up to work for four days.

11:46:40 15 Q. Okay. Did you understand that Mr. Lopez was
16 entitled to take time off?

17 A. You've got to communicate you're taking time
18 off; you can't just not show up to work. If you don't
19 show up to work and don't tell anybody, you -- you --
11:46:55 20 that -- you can't -- you're not entitled to -- to leave.
21 If there was a situation where he needed to leave, he
22 needs to communicate he needs to take the leave and not
23 just not show up to work.

24 Q. Okay. Did you understand that Luis was
11:47:10 25 entitled to benefits under the FMLA?

11:47:20 1 A. No. Because he wasn't talking to us.

2 Q. Regardless of whether he's talking to you or
3 not, once you learned he had a medical injury, did you
4 understand that he was entitled to benefits under the
11:47:30 5 FMLA Act?

6 MR. WILLIAMS: Calls for a legal conclusion.
7 It calls for speculation. You can answer to your
8 understanding.

9 THE WITNESS: So, again, it's been -- about an
11:47:44 10 hour ago it would be handled differently than a -- a --
11 a -- if you had some -- a personal injury or -- or some
12 personal medical issue, he needed some time off, that
13 that would be under FMLA. This would be handled through
14 workers' comp.

11:48:03 15 BY MR. BROWN:

16 Q. Regardless of the way it was handled,
17 Honey Bucket had a responsibility to notify him that he
18 was entitled or eligible for FMLA benefits, didn't he?

19 A. Well, yeah, I'd like --

11:48:13 20 MR. WILLIAMS: That lacks foundation. Lacks
21 foundation. Calls for speculation. Calls for a legal
22 conclusion. You can answer to your understanding.

23 THE WITNESS: So it's -- it's tough to notify
24 somebody when they won't talk to you.

11:48:26 25 BY MR. BROWN:

11:48:27 1 Q. You spoke to him on December 15th, correct?

2 A. Yes.

3 Q. Did you notify him that he was eligible for
4 FMLA benefits on December 15th?

11:48:36 5 A. No.

6 Q. Did you notify him he was eligible for CFRA
7 benefits on December 15th?

8 A. I did not.

9 Q. Why not?

11:48:47 10 A. Why not? Because it wasn't a -- it would have
11 been handled differently. He wasn't planning on it. He
12 didn't communicate that he was planning that he needed
13 significant time off.

14 Q. If we can introduce as next in order -- shoot.

11:49:09 15 The problem is I've labeled these PDFs, and now I don't
16 know what I called them, so it's going to take a minute.
17 Oh, "Texts 120 dash 122," please.

18 (Plaintiff's Exhibit 9 was marked for
19 identification.)

11:49:50 20 BY MR. BROWN:

21 Q. Mr. Donohoue, Exhibit -- Exhibit 9 is a
22 three-page document Bates-stamped produced from the
23 Defense 120 to 122. Are you familiar with this
24 document?

11:50:06 25 A. Not specifically, no.

11:58:13 1 Q. Okay. Great. You reference a pension loan he
2 has. What loan are you referring to?

3 A. It would be a pension loan. I wouldn't have
4 access to know the amount or what it is. It would be a
11:58:31 5 function of the -- the payroll department.

6 Q. Well, how do you conclude that the -- any money
7 he was owed would be offset by his -- a pension loan?

8 A. I don't conclude that. That goes to our
9 payroll department and they -- they handle those --
11:58:45 10 that -- that aspect of it.

11 Q. Well, what you were you told in this respect?

12 A. What it says in the text message.

13 Q. And then when you say, "You opened a claim,"
14 what are you referring to?

11:59:04 15 A. Workers' compensation claim number.

16 Q. Okay. And this is pertaining to the work comp
17 -- compensation claim that we discussed earlier?

18 A. Yes.

19 Q. Okay. And so at the time you terminated
11:59:20 20 Mr. Lopez, he had an open claim for workers'
21 compensation, correct?

22 A. Yes, he did.

23 Q. Let's go to -- you know, why don't we take a
24 five-minute break. We've gone about another hour.

11:59:41 25 THE VIDEOGRAPHER: Okay. All right. We are

12:25:48 1 going on.

2 Q. What did you discuss with Mr. Garcia?

3 A. The -- the injury.

4 Q. What did he say?

12:25:58 5 A. We -- we didn't have much information, so not
6 -- not much.

7 Q. What did you say to Mr. Garcia?

8 A. Mainly about getting the incident report.

9 Q. All right. Anything else?

12:26:17 10 A. Not specifically that I recall.

11 Q. Okay. And then you mentioned you talked to
12 Mr. Potts as well about Mr. Lopez's injury and the
13 decision to terminate him?

14 A. He was involved, I believe, in some email
12:26:29 15 communication.

16 Q. Okay. And have you provided those emails to
17 your attorney?

18 A. Again, everything I have -- I've done an
19 exhaustive search for anything with Luis, and I've
12:26:41 20 turned those over.

21 Q. Okay. How many email communications do you
22 have with Mr. Potts?

23 A. A lot.

24 Q. Okay. About Mr. Lopez after December 15th,
12:26:53 25 2020?

12:26:53 1 A. Again, there was a lot of data, a lot of stuff
2 that I sent over. I don't remember exactly how many
3 from each person and what each one contained, so --

4 Q. How many --

12:27:02 5 A. Everything I have has been turned over.

6 Q. You know, I understand that's your position,
7 but I'm still allowed to ask you questions about it.
8 How many times did you talk to Mr. Potts about Mr. Lopez
9 during this time frame?

12:27:15 10 A. I don't recall ever talking to him. I know
11 that there was some -- he was involved in some email
12 communications.

13 Q. Okay. Any text communications with Mr. Potts
14 about Mr. Lopez during this time frame?

12:27:28 15 A. I do not believe so.

16 Q. And what's your understanding of what
17 Mr. Pott's recommendation was in this regard?

18 A. He -- he --

19 MR. WILLIAMS: Vague as to recommendation.

12:27:34 20 THE WITNESS: He approved my recommendation for
21 termination.

22 BY MR. BROWN:

23 Q. And do you recall anything else -- any other
24 input he had?

12:27:48 25 A. I do not.

12:30:43 1 me -- he declined medical attention at the time, but I
2 have not heard from him since the" -- can you complete
3 that for me?

4 A. Yeah. So it says, "since the initial reporting
12:30:55 5 12-16 despite repeated attempts."

6 Q. Okay. When he called you on December 16th,
7 that was his day off, correct?

8 A. I believe so, yes. Yes, it was.

9 Q. Okay. And you -- you knew he'd been injured on
12:31:20 10 the job at the time you filled this out, correct?

11 A. Yes, because I had him fill it out until
12 Monday, the 21st. I think that's a Monday. Anyway,
13 December 21st is when it was filled out.

14 Q. And -- and you knew, as of the date you talked
12:31:36 15 to him, he was not able to work, correct?

16 A. On the 17th, yes.

17 Q. Okay. And then down below it says, "Action
18 taken by Manager." Can you read that, please?

19 A. Yeah. I apologize for my handwriting.

12:31:54 20 Q. Oh, no worries. Better than mine.

21 A. A little embarrassed by it, but I'll read it
22 for you. So "Asked Ceasar" -- or "asked for incident
23 report. Did not receive it until 12-17 via Cesar
24 Garcia. It was written in Spanish tried to get ahold of
12:32:11 25 him for 3 days to rewrite it to no avail."

12:59:09 1 time, and -- and I would need drivers that come to work
2 when they're scheduled.

3 Q. Okay. So was there anything Mr. Lopez could
4 have told you that would have led you to reconsider
12:59:21 5 reinstating him?

6 MR. WILLIAMS: Calls for speculation.
7 Misstates the evidence. Lacks foundation.

8 THE WITNESS: Yeah, I -- I -- I wouldn't know.
9 No, I wouldn't think so.

12:59:37 10 BY MR. BROWN:

11 Q. But -- but you were not interested in changing
12 your decision to terminate Mr. Lopez when you heard back
13 from him, correct?

14 A. No, I was -- I was not.

12:59:48 15 Q. Okay. And you can see in the second text he
16 sends you that same day, a minute later, he mentions,
17 "do you want me to make a doctor's appointment to send
18 it to you," correct?

19 A. Which -- which -- which one are you looking at?

13:00:05 20 Q. December -- the 12:18 p.m. It says, I --
21 "Luis" -- or excuse me, "I also noticed that I didn't
22 get paid, do you want me to make a doctor's appointment
23 to send it to you?" When you saw that he referenced a
24 doctor's appointment, did you realize that he was absent
13:00:22 25 because of the injury he discussed with you on

13:00:25 1 December 15th?

2 MR. WILLIAMS: Calls for speculation. Lacks
3 foundation.

4 THE WITNESS: Yeah, I'm not -- I'm not sure. I
13:00:31 5 mean, it's -- what I know is that he didn't contact me
6 for -- for four days before I made the decision to
7 terminate his employment. Didn't contact him, we made
8 several attempts to get ahold of him, and -- and he
9 wouldn't return our calls.

13:00:46 10 BY MR. BROWN:

11 Q. And I appreciate that. My question's a little
12 different. My question is simply: Did you realize when
13 you saw he was referencing a doctor's appointment that
14 he had been absent because of the injury he discussed
13:01:00 15 with you on December 15th?

16 A. No, I don't think it says that either, but --

17 Q. I'm just asking, did you make the connection?
18 He's hurt on December 15th, you talked to him, he
19 tells you he needs a doctor's appointment note on
13:01:12 20 December 30th, did you think -- did you see there's a
21 connection there?

22 A. I -- I gave him the workers' comp number so he
23 could get that taken care of.

24 Q. You realize he's referring to the same injury,
13:01:23 25 correct?

13:01:26 1 A. I -- probably, yeah.

2 Q. Okay. Did that factor in at all in your
3 consideration to reinstate him?

4 A. No, it was well after his -- nine days after
13:01:39 5 the -- the decision to terminate.

6 Q. Please introduce as Plaintiff's next in
7 order -- what number are we on by the way?

8 THE REPORTER: I have 15.

9 MR. BROWN: 15. Thank you. 15 will be "Final
13:02:07 10 paycheck Emails 123 to 125," please.

11 (Plaintiff's Exhibit 15 was marked for
12 identification.)

13 BY MR. BROWN:

14 Q. Exhibit -- Exhibit 15 is a three-page document
13:02:31 15 produced by the defense marked -- or Bates-stamped 123
16 to 125, and it's an email exchange pertaining to Luis
17 final paycheck on or about December 22nd, 2020.

18 Mr. Donohoue, are you familiar with this email
19 thread?

13:02:53 20 A. Yes.

21 Q. Okay. Turn to the second full page
22 Bates-stamped 124. At the top there's an email from
23 Mr. Perry to you and a Melissa Vadnais. Am I
24 pronouncing that correctly?

13:03:11 25 A. I believe so, yeah.

13:25:19 1 Q. And then in the column next to that,
2 "PaidHours," would be the equivalent of what that -- the
3 number of hours that the employee was paid for that
4 particular day, correct?

13:25:37 5 A. Yes. That would be my -- my assumption.

6 Q. So if you look, for example, at October 5th,
7 2018, the trip time for Mr. Lopez was 11 hours,
8 40 minutes and 18 seconds, correct?

9 A. Yes.

13:25:57 10 Q. But the paid hours is ten, right?

11 A. That's what it says, yes.

12 Q. Do you know why the paid amount is less than
13 the actual work time for Mr. Lopez on October 15th --
14 or, excuse me, October 5th?

13:26:13 15 MR. WILLIAMS: Calls for speculation. Lacks
16 foundation.

17 THE WITNESS: Unfortunately, I -- I don't know.

18 I -- I -- like I say, I don't know where this data is
19 coming from. It doesn't look like payroll records to
13:26:26 20 me, so I'm not sure where -- where we got it from.

21 BY MR. BROWN:

22 Q. Okay. And I appreciate your response. If you
23 drop down, for example, again, at November 9th, 2018, do
24 you see that, about three-quarters of the way down. And
13:26:40 25 you scroll over, again, the "TripTime," it's 11 hours

R E P O R T E R ' S C E R T I F I C A T E

I, MICHELLE D. BARBANTE, a Certified Shorthand Reporter of the State of California, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth in the within-entitled cause; that said deposition was taken at the time and place therein stated; that the testimony of the said witness was reported by me, a duly certified shorthand reporter, and was thereafter transcribed under my direction into typewriting; and that the witness was given an opportunity to read and, if necessary, correct said deposition and to subscribe the same.

I FURTHER CERTIFY that I am not of counsel or attorney for either or any of the parties in the foregoing deposition and caption named, or in any way interested in the outcome of the cause in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of June, 2022.



MICHELLE D. BARBANTE
Certified Shorthand Reporter
Certificate No. 12601
State of California

EXHIBIT B

SALARY/WAGE/CHANGE OF DUTY/PROBATION COMPLETION FORM

Name Luis Lopez Emp# 6552

Date of Salary Adjustment 10-10-19
(First day of Pay Period)

Base Salary/Wage FROM \$25.38 TO \$26.62

<input type="checkbox"/>	70% of regular rate
<input type="checkbox"/>	85% of regular rate
<input type="checkbox"/>	100% of regular rate
<input type="checkbox"/>	% of regular rate

Completion of Probation? Yes / No (if no, termination report to follow)	
Benefits Enrollment? Yes / No	
Circle One:	
Full Time	Part-Time (less than 30hrs) Seasonal (90 days or less)
<input type="checkbox"/> Inform Marketing for Company and Social Media Announcement	

Previous Job Title: Route Driver

New Job Title: Route Driver class A

Previous PC: 54 New PC: 56

Recommended by: Pat Donohue

Authorized by: _____
Manager

Approved by: _____
President/VP Honey Bucket/VP FloHawks

SALARY/WAGE/CHANGE OF DUTY/PROBATION COMPLETION FORM

Name Luis Lopez Emp# 6552

Date of Salary Adjustment 11/19/15
(First day of Pay Period if possible)

	FROM	TO
Base Salary/Wage:	<u>\$14.42 (part)</u>	<u>\$20.60 (full time)</u>

Completion of Probation? Yes / No (if no, termination report to follow)

Pension Increase? Yes / No (if no, termination report to follow)

PREVIOUS JOB TITLE: Route Driver

NEW JOB TITLE: Route Driver

PREVIOUS PC: S4 NEW PC: S8

Recommended by: Pat Donohue

Approved by: _____

Revision Date: 2/27/09

S:\MANAGERS_TOOLBOX\Payroll\Wage Increase or Change Duty.doc

NWC-00056

MEMO

TO: Luis Lopez
DATE: December 22, 2020
FROM: Patrick Donohoue
RE: Termination of employment

On 12/16/20, you contacted me to let me know you could not come to work. Cesar Garcia made contact with you on 12/17/20 to get an incident report. In spite of our many attempts to contact you, we have received no response from you since 12/17/20. As a result, you have violated Company policy by being a no call no show for four days on which you were scheduled to work.

Because of your decision to abandon your job and not contact a supervisor or myself, your employment with Northwest Cascade Inc. is terminated as of 12/22/20.

Luis Lopez

Date

Pat Donohoue

Date

Witness

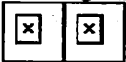
Date

NWC-00102

From: Ceasar Garcia
Sent: Monday, December 21, 2020 6:30 PM
To: Pat Donohoue
Subject: Luis Lopez incident report translated version
Attachments: Dec 21, Doc 4.pdf

Cesar Garcia Sr
Route supervisor
PC58
Office 800-325-2371
Cell REDACTED

ceasargarcia@honeybucket.com



REPORT OF INCIDENT/INJURY

All incidents regardless of severity must be reported immediately to your supervisor. You must talk with your supervisor at the time of the incident or go to the person above them if they are not available. This form must be completed by the NWC Employee for any incident and returned to the Manager either the day of the incident or within 24 hours of occurrence.

Employee Name Luis LopezPC 58Date of incident 12/15/20Time 1:30 AM/PM (PM)Location/Address Telegraph Hill

Description of incident/injury

Equipment / Truck # C727I slipped and fell over 2 pieces of wood
landed on my knees

First aid kit opened? Yes / No

If yes, has the first aid been replaced? Yes / No

Damage to NWC equipment/vehicle No / Yes - Describe _____

Damage to others property No / Yes - Describe _____

Name of other person(s) _____

Telephone Number _____

Were there any witnesses No / Yes Witnesses Name(s) _____

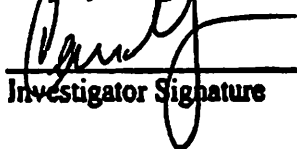
Action taken by Manager _____

Cost of incident _____ (attach receipts, estimates, etc.).

At Fault Yes or No

Rt Sup/ Foreman Name _____

Employee Signature



Print Name

Luis Lopez

Date

12/15/20

Investigator Signature

Print Name

Geor Garcia

Date

12/15/20

Managers Signature

Print Name

Date

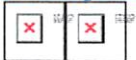
Copy to Safety Director

Revised 11-18-15

From: Ceasar Garcia
Sent: Thursday, December 17, 2020 1:37 PM
To: Pat Donohoue
Subject: Luis López incident report
Attachments: Dec 17, Doc 1.pdf

Cesar Garcia Sr
Route supervisor
PC58
Office 800-325-2371
Cell REDACTED

ceasargarcia@honeybucket.com



REPORT OF INCIDENT/INJURY

All incidents regardless of severity must be reported immediately to your supervisor. You must talk with your supervisor at the time of the incident or go to the person above them if they are not available. This form must be completed by the NWC Employee for any incident and returned to the Manager either the day of the incident or within 24 hours of occurrence.

Employee Name Luis Lopez PC 58
 Date of incident 12/15/20 Time 1:30 AM / PM
 Location/Address TELEGRAH HILL

Description of incident/injury Equipment / Truck # 727
HE RES BOLT Y COT SOBRE 2 TABLAS DE RODILLOS

First aid kit opened? Yes No If yes, has the first aid been replaced? Yes / No

Damage to NWC equipment/vehicle No / Yes - Describe

Damage to others property No / Yes - Describe

Name of other person(s) Telephone Number

Were there any witnesses No / Yes Witnesses Name(s)

Action taken by Manager

Cost of incident (attach receipts, estimates, etc.).

At Fault Yes or No

Rt Sup/ Foreman Name

Luis A. Lopez
 Employee Signature

Luis Lopez
 Print Name

12/15/20
 Date

Investigator Signature

Print Name

Date

Managers Signature

Print Name

Date

Copy to Safety Director

Revised 11-18-15

From: Pat Donohoue
Sent: Monday, December 21, 2020 8:49 AM
To: Eric Wright
Subject: Luis lopez injury
Attachments: 3a8bae5e_39f1_415d_a7e7_d8b32189dd16.pdf

Here is the report I filled out for luis. I will send the one in spanish he filled out with the translation from Cesar as soon as he sends it to me.

REPORT OF INCIDENT/INJURY

All incidents regardless of severity must be reported immediately to your supervisor. You must talk with your supervisor at the time of the incident or go to the person above them if they are not available. This form must be completed by the NWC Employee for any incident and returned to the Manager either the day of the incident or within 24 hours of occurrence.

Employee Name Luis LopezPC SGDate of incident 12-15-20Time 1:30 AM / (PM)Location/Address Telegraph Hill San Francisco

Description of incident/injury

Equipment / Truck #

Luis called me 12-16 to report the injury to his knee he said he slipped and hit his knee on a piece of Metal and would not be able to work 12-17. He declined medical attention at the time but I have not heard from him since the initial report 12-16 despite repeated attempts.
First aid kit opened? Yes / No If yes, has the first aid been replaced? Yes / No

Damage to NWC equipment/vehicle (No) / Yes - Describe Damage to others property (No) / Yes - Describe Name of other person(s) Telephone Number Were there any witnesses No / Yes Witnesses Name(s)

Action taken by Manager asked for incident report. Did not receive it until 12-17 via Cesar Gonzalez. It was written in spanish tried to get a hold of him for 3 days to rewrite it to no avail.

Cost of incident (attach receipts, estimates, etc.). Tow Truck Req. Yes or No At Fault Yes or No Rt Sup/ Foreman Name Pave WilliamsEmployee Signature Print Name Date Investigator Signature Print Name Date Managers Signature Print Name Patrick DonehaneDate 12-21-20Copy to Safety Director

Revised 1-15-20

NWC-00115

Luis_ REDACTED_.txt

send it to me.

[12/18/20 1:13 PM] Me: Please call me

[12/21/20 6:16 PM] Me: I need to see how you are doing and what is going on. Please call me to let me know.
Thanks

[12/30/20 12:17 PM] Luis: Hello Pat, I am doing good, I been walking normal just a little pain trying to get things, but I will be back in few days.

[12/30/20 12:18 PM] Luis: I also noticed that I didn't get paid, do You want me to make a doctor's appointment to send it to You?

[12/31/20 9:33 AM] Me: Your employment was terminated due to job abandonment. I sent a certified letter because we could not get a hold of you. Your final check was \$0 because of your pension loan. We did open a claim incase you needed to seek medical attention and we were unaware of your status. The claim number is REDACTED The adjuster is REDACTED his phone # is 916 REDACTED.

[1/21/21 1:27 PM] Luis: Hello Pat, sorry to bother You, but I need the last 4 pay stubs and also tell me about the uniforms?
I have those in my pick up.

NORTHWEST CASCADE INC. EMPLOYEE HANDBOOK



Northwest Cascade

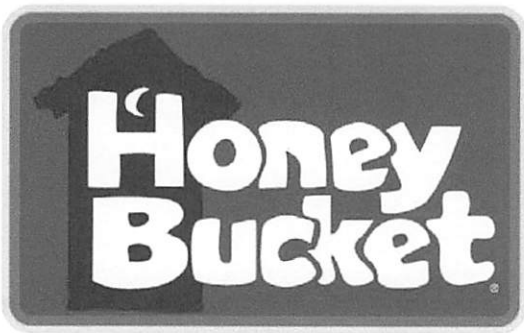


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DriverId1	DriverName1	TripStartDate	TripEndDate	TripStartTime	ActivityType	StartTime	EndTime	Duration	TripEndTime	Trip Time	Paid Hours
6552	LUIS LOPEZ	10/1/2018	10/1/2018	9:41:48					20:00:00	10:18:12	13.00
6552	LUIS LOPEZ	10/2/2018	10/2/2018	7:30:00					20:06:02	12:36:02	12.50
6552	LUIS LOPEZ	10/3/2018	10/3/2018	7:17:36					17:31:20	10:13:44	10.20
6552	LUIS LOPEZ	10/5/2018	10/5/2018	6:59:19					18:39:37	11:40:18	10.00
6552	LUIS LOPEZ	10/7/2018	10/7/2018	13:06:21					18:07:22	5:01:01	5.00
6552	LUIS LOPEZ	10/8/2018	10/8/2018	6:26:50					19:07:30	12:40:40	12.70
6552	LUIS LOPEZ	10/9/2018	10/9/2018	6:26:41					19:36:09	13:09:28	13.20
6552	LUIS LOPEZ	10/12/2018	10/12/2018	6:38:28					21:04:06	14:25:38	14.40
6552	LUIS LOPEZ	10/14/2018	10/14/2018	16:11:32					22:03:11	5:51:39	6.00
6552	LUIS LOPEZ	10/15/2018	10/15/2018	6:46:14					20:19:15	13:33:01	13.60
6552	LUIS LOPEZ	10/16/2018	10/16/2018	6:43:01					19:54:59	13:11:58	12.50
6552	LUIS LOPEZ	10/17/2018	10/17/2018	8:07:35	Off-period	10/17/2018 12:52	10/17/2018 13:25	33:01	20:09:12	12:01:37	11.50
6552	LUIS LOPEZ	10/18/2018	10/18/2018	7:54:25	Off-period	10/18/2018 11:38	10/18/2018 12:10	31:50	22:01:55	14:07:30	13.57
6552	LUIS LOPEZ	10/19/2018	10/19/2018	7:47:02	Off-period	10/19/2018 16:35	10/19/2018 18:19	44:14	18:59:51	11:12:49	9.47
6552	LUIS LOPEZ	10/21/2018	10/21/2018	10:59:13					19:09:32	8:10:19	7.75
6552	LUIS LOPEZ	10/22/2018	10/22/2018	7:03:13					20:46:45	13:43:32	13.70
6552	LUIS LOPEZ	10/26/2018	10/26/2018	7:56:29					20:03:47	12:07:18	-
6552	LUIS LOPEZ	10/28/2018	10/28/2018	16:11:02					23:31:02	7:20:00	7.30
6552	LUIS LOPEZ	10/29/2018	10/29/2018	8:08:22	Off-period	10/29/2018 14:36	10/29/2018 15:08	32:33	18:43:52	10:35:30	10.07
6552	LUIS LOPEZ	10/30/2018	10/30/2018	5:55:52	Off-period	10/30/2018 15:32	10/30/2018 16:03	30:56	18:39:43	12:43:51	12.18
6552	LUIS LOPEZ	11/1/2018	11/1/2018	17:33:00					20:05:28	2:32:28	2.50
6552	LUIS LOPEZ	11/2/2018	11/2/2018	5:27:21					19:44:04	14:16:43	14.30
6552	LUIS LOPEZ	11/3/2018	11/4/2018	13:13:05					0:04:29	10:49:24	10.90
6552	LUIS LOPEZ	11/4/2018	11/4/2018	12:48:01	Off-period	11/4/2018 14:04	11/4/2018 15:03	58:25	18:19:35	5:31:34	4.52
6552	LUIS LOPEZ	11/5/2018	11/5/2018	6:01:36	Off-period	11/5/2018 18:54	11/5/2018 19:25	31:25	20:37:38	14:36:02	14.08
6552	LUIS LOPEZ	11/8/2018	11/8/2018	6:02:24					16:31:38	10:29:14	10.00
6552	LUIS LOPEZ	11/9/2018	11/9/2018	7:44:53					18:55:31	11:10:38	10.62
6552	LUIS LOPEZ	11/11/2018	11/12/2018	15:16:05					0:02:28	8:46:23	8.80
6552	LUIS LOPEZ	11/12/2018	11/12/2018	7:04:48	Off-period	11/12/2018 15:46	11/12/2018 16:16	30:39	20:39:26	13:34:38	13.10
6552	LUIS LOPEZ	11/13/2018	11/13/2018	6:04:38	Off-period	11/13/2018 18:30	11/13/2018 19:01	31:20	20:38:56	14:34:18	-
6552	LUIS LOPEZ	11/14/2018	11/14/2018	4:56:28					19:11:50	14:15:22	27.23
6552	LUIS LOPEZ	11/16/2018	11/16/2018	5:59:34	Off-period	11/16/2018 10:17	11/16/2018 10:47	29:58	19:18:05	13:18:31	12.80
6552	LUIS LOPEZ	11/16/2018	11/16/2018	5:59:34	Off-period	11/16/2018 16:29	11/16/2018 17:00	30:40	19:18:05	13:18:31	12.80
6552	LUIS LOPEZ	11/18/2018	11/18/2018	16:01:09					19:33:22	3:32:13	3.50
6552	LUIS LOPEZ	11/19/2018	11/19/2018	5:43:56	Off-period	11/19/2018 11:42	11/19/2018 12:25	43:13	17:54:03	12:10:07	11.48
6552	LUIS LOPEZ	11/19/2018	11/19/2018	5:43:56	Off-period	11/19/2018 15:41	11/19/2018 16:15	34:31	17:54:03	12:10:07	11.48

6552	LUIS LOPEZ	11/20/2018	11/20/2018	5:50:21	Off-period	11/20/2018 14:32	11/20/2018 15:03	30:57	20:14:04	14:23:43	13.88
6552	LUIS LOPEZ	11/25/2018	11/25/2018	12:04:51					19:31:38	7:26:47	7.50
6552	LUIS LOPEZ	11/26/2018	11/26/2018	5:12:14	Off-period	11/26/2018 12:18	11/26/2018 12:48	29:22	17:36:01	12:23:47	11.90
6552	LUIS LOPEZ	11/26/2018	11/26/2018	5:12:14	Off-period	11/26/2018 16:20	11/26/2018 16:53	32:42	17:36:01	12:23:47	11.90
6552	LUIS LOPEZ	11/27/2018	11/27/2018	4:59:13					19:19:25	14:20:12	13.77
6552	LUIS LOPEZ	11/30/2018	11/30/2018	6:07:31	Off-period	11/30/2018 13:28	11/30/2018 13:58	29:58	18:52:47	12:45:16	12.30
6552	LUIS LOPEZ	11/30/2018	11/30/2018	6:07:31	Off-period	11/30/2018 16:25	11/30/2018 17:01	35:54	18:52:47	12:45:16	12.30
6552	LUIS LOPEZ	12/2/2018	12/2/2018	7:56:43	Off-period	12/2/2018 12:49	12/2/2018 13:22	33:02	17:40:36	9:43:53	9.15
6552	LUIS LOPEZ	12/3/2018	12/3/2018	5:47:25	Off-period	12/3/2018 13:12	12/3/2018 13:43	30:44	20:57:00	15:09:35	14.68
6552	LUIS LOPEZ	12/3/2018	12/3/2018	5:47:25	Off-period	12/3/2018 19:44	12/3/2018 20:15	30:48	20:57:00	15:09:35	14.68
6552	LUIS LOPEZ	12/4/2018	12/4/2018	6:06:22	Off-period	12/4/2018 11:05	12/4/2018 11:35	30:35	16:07:41	10:01:19	9.50
6552	LUIS LOPEZ	12/7/2018	12/7/2018	5:13:09	Off-period	12/7/2018 11:08	12/7/2018 11:38	29:55	14:18:12	9:05:03	8.50
6552	LUIS LOPEZ	12/9/2018	12/9/2018	10:03:55	Off-period	12/9/2018 16:22	12/9/2018 16:56	34:33	20:02:05	9:58:10	9.43
6552	LUIS LOPEZ	12/10/2018	12/10/2018	5:29:22	Off-period	12/10/2018 13:49	12/10/2018 14:24	35:26	19:34:31	14:05:09	13.52
6552	LUIS LOPEZ	12/11/2018	12/11/2018	11:20:43	Off-period	12/11/2018 18:04	12/11/2018 18:51	46:57	22:19:28	10:58:45	10.22
6552	LUIS LOPEZ	12/13/2018	12/13/2018	5:42:23	Off-period	12/13/2018 11:36	12/13/2018 12:07	31:00	17:19:39	11:37:16	11.08
6552	LUIS LOPEZ	12/13/2018	12/13/2018	5:42:23	Off-period	12/13/2018 16:06	12/13/2018 16:40	33:49	17:19:39	11:37:16	11.08
6552	LUIS LOPEZ	12/14/2018	12/14/2018	4:55:25	Off-period	12/14/2018 10:20	12/14/2018 10:50	30:18	19:00:20	14:04:55	13.60
6552	LUIS LOPEZ	12/14/2018	12/14/2018	4:55:25	Off-period	12/14/2018 16:44	12/14/2018 17:15	30:58	19:00:20	14:04:55	13.60
6552	LUIS LOPEZ	12/15/2018	12/15/2018	15:56:47					20:16:37	4:19:50	4.30
6552	LUIS LOPEZ	12/16/2018	12/16/2018	14:00:28					18:43:32	4:43:04	4.70
6552	LUIS LOPEZ	12/17/2018	12/17/2018	5:00:37	Off-period	12/17/2018 11:14	12/17/2018 11:45	30:34	18:30:59	13:30:22	12.98
6552	LUIS LOPEZ	12/17/2018	12/17/2018	5:00:37	Off-period	12/17/2018 17:59	12/17/2018 18:29	29:35	18:30:59	13:30:22	12.98
6552	LUIS LOPEZ	12/18/2018	12/18/2018	5:40:53	Off-period	12/18/2018 11:58	12/18/2018 12:30	31:30	17:49:07	12:08:14	11.67
6552	LUIS LOPEZ	12/18/2018	12/18/2018	5:40:53	Off-period	12/18/2018 17:01	12/18/2018 17:30	28:47	17:49:07	12:08:14	11.67
6552	LUIS LOPEZ	12/19/2018	12/19/2018	13:14:55	Off-period	12/19/2018 14:54	12/19/2018 15:37	43:07	17:00:44	3:45:49	10.50
6552	LUIS LOPEZ	12/27/2018	12/27/2018	4:48:02					18:35:47	13:47:45	13.27
6552	LUIS LOPEZ	12/28/2018	12/28/2018	5:39:10					17:15:35	11:36:25	11.10
6552	LUIS LOPEZ	12/29/2018	12/29/2018	5:18:51	Off-period	12/29/2018 12:20	12/29/2018 12:53	33:45	14:27:37	9:08:46	8.65
6552	LUIS LOPEZ	12/30/2018	12/30/2018	12:00:12					19:59:36	7:59:24	8.00
6552	LUIS LOPEZ	12/31/2018	12/31/2018	7:49:04	Off-period	12/31/2018 11:55	12/31/2018 12:29	33:23	18:32:53	10:43:49	10.13
6552	LUIS LOPEZ	1/2/2019	1/2/2019	5:00:17	Off-period	1/2/2019 12:43	1/2/2019 13:14	30:53	18:16:25	13:16:08	12.78
6552	LUIS LOPEZ	1/2/2019	1/2/2019	5:00:17	Off-period	1/2/2019 16:02	1/2/2019 16:59	56:39	18:16:25	13:16:08	12.78
6552	LUIS LOPEZ	1/3/2019	1/3/2019	5:56:25	Off-period	1/3/2019 11:37	1/3/2019 12:07	29:19	19:56:57	14:00:32	13.50
6552	LUIS LOPEZ	1/3/2019	1/3/2019	5:56:25	Off-period	1/3/2019 17:12	1/3/2019 17:42	29:55	19:56:57	14:00:32	13.50
6552	LUIS LOPEZ	1/6/2019	1/6/2019	11:03:59	Off-period	1/6/2019 18:28	1/6/2019 19:25	56:45	19:34:26	8:30:27	7.55
6552	LUIS LOPEZ	1/7/2019	1/7/2019	7:36:29	Off-period	1/7/2019 12:54	1/7/2019 13:32	37:53	16:18:54	8:42:25	8.07
6552	LUIS LOPEZ	1/8/2019	1/8/2019	6:03:51	Off-period	1/8/2019 14:21	1/8/2019 14:52	30:37	17:20:40	11:16:49	10.78

6552	LUIS LOPEZ	1/8/2019	1/8/2019	6:03:51	Off-period	1/8/2019 16:41	1/8/2019 17:14	32:56	17:20:40	11:16:49	10.78
6552	LUIS LOPEZ	1/11/2019	1/11/2019	10:17:04	Off-period	1/11/2019 16:15	1/11/2019 16:45	29:55	22:28:47	12:11:43	11.70
6552	LUIS LOPEZ	1/11/2019	1/11/2019	10:17:04	Off-period	1/11/2019 20:48	1/11/2019 21:22	34:02	22:28:47	12:11:43	11.70
6552	LUIS LOPEZ	1/13/2019	1/13/2019	11:01:35	Off-period	1/13/2019 15:52	1/13/2019 16:29	36:56	19:31:15	8:29:40	7.88
6552	LUIS LOPEZ	1/14/2019	1/14/2019	5:20:57	Off-period	1/14/2019 11:02	1/14/2019 11:37	34:20	17:17:30	11:56:33	11.42
6552	LUIS LOPEZ	1/14/2019	1/14/2019	5:20:57	Off-period	1/14/2019 15:08	1/14/2019 15:39	31:07	17:17:30	11:56:33	11.42
6552	LUIS LOPEZ	1/15/2019	1/15/2019	6:04:31	Off-period	1/15/2019 12:40	1/15/2019 13:10	29:40	16:28:22	10:23:51	9.90
6552	LUIS LOPEZ	1/18/2019	1/18/2019	5:53:29	Off-period	1/18/2019 11:19	1/18/2019 11:51	31:41	14:28:25	8:34:56	8.07
6552	LUIS LOPEZ	1/20/2019	1/20/2019	12:00:02	Off-period	1/20/2019 19:35	1/20/2019 20:05	30:23	21:23:22	9:23:20	8.90
6552	LUIS LOPEZ	1/21/2019	1/21/2019	6:01:28	Off-period	1/21/2019 11:57	1/21/2019 12:27	29:48	17:19:02	11:17:34	10.80
6552	LUIS LOPEZ	1/21/2019	1/21/2019	6:01:28	Off-period	1/21/2019 15:52	1/21/2019 16:23	31:21	17:19:02	11:17:34	10.80
6552	LUIS LOPEZ	1/22/2019	1/22/2019	6:08:15	Off-period	1/22/2019 12:46	1/22/2019 13:35	49:27	16:28:53	10:20:38	9.48
6552	LUIS LOPEZ	1/25/2019	1/25/2019	6:03:08	Off-period	1/25/2019 11:16	1/25/2019 11:46	29:49	15:43:06	9:39:58	9.20
6552	LUIS LOPEZ	1/27/2019	1/27/2019	11:00:46	Off-period	1/27/2019 15:39	1/27/2019 16:21	41:22	19:39:53	8:39:07	8.00
6552	LUIS LOPEZ	1/28/2019	1/28/2019	6:01:48	Off-period	1/28/2019 11:14	1/28/2019 11:44	30:00	14:29:09	8:27:21	8.00
6552	LUIS LOPEZ	1/29/2019	1/29/2019	10:03:30	Off-period	1/29/2019 13:58	1/29/2019 14:37	38:19	19:14:55	9:11:25	8.55
6552	LUIS LOPEZ	2/1/2019	2/1/2019	9:13:39	Off-period	2/1/2019 17:52	2/1/2019 18:30	37:47	21:09:49	11:56:10	11.27
6552	LUIS LOPEZ	2/2/2019	2/2/2019	7:15:10					17:24:10	10:09:00	9.62
6552	LUIS LOPEZ	2/3/2019	2/3/2019	8:52:24	Off-period	2/3/2019 12:51	2/3/2019 13:22	30:19	17:39:54	8:47:30	8.28
6552	LUIS LOPEZ	2/4/2019	2/4/2019	11:41:28	Off-period	2/4/2019 15:40	2/4/2019 16:11	31:07	21:43:31	10:02:03	9.48
6552	LUIS LOPEZ	2/5/2019	2/6/2019	12:00:46	Off-period	2/5/2019 16:41	2/5/2019 17:11	30:05	1:00:40	12:59:54	12.50
6552	LUIS LOPEZ	2/8/2019	2/8/2019	5:58:15	Off-period	2/8/2019 13:13	2/8/2019 13:43	30:27	20:05:20	14:07:05	13.60
6552	LUIS LOPEZ	2/9/2019	2/9/2019	5:36:36					9:34:56	3:58:20	4.00
6552	LUIS LOPEZ	2/10/2019	2/10/2019	8:01:55	Off-period	2/10/2019 13:10	2/10/2019 13:47	37:26	18:41:11	10:39:16	10.08
6552	LUIS LOPEZ	2/11/2019	2/11/2019	5:13:28	Off-period	2/11/2019 10:58	2/11/2019 11:28	30:33	14:08:29	8:55:01	8.40
6552	LUIS LOPEZ	2/12/2019	2/12/2019	5:51:16	Off-period	2/12/2019 10:53	2/12/2019 11:23	30:33	15:36:59	9:45:43	9.30
6552	LUIS LOPEZ	2/15/2019	2/15/2019	6:11:37	Off-period	2/15/2019 11:33	2/15/2019 12:03	30:18	17:35:34	11:23:57	10.90
6552	LUIS LOPEZ	2/17/2019	2/17/2019	9:59:56	Off-period	2/17/2019 18:22	2/17/2019 18:55	32:58	19:42:09	9:42:13	9.15
6552	LUIS LOPEZ	2/18/2019	2/18/2019	5:01:27	Off-period	2/18/2019 9:50	2/18/2019 10:20	29:48	17:11:20	12:09:53	11.70
6552	LUIS LOPEZ	2/18/2019	2/18/2019	5:01:27	Off-period	2/18/2019 15:43	2/18/2019 15:47	03:49	17:11:20	12:09:53	11.70
6552	LUIS LOPEZ	2/18/2019	2/18/2019	5:01:27	Off-period	2/18/2019 15:49	2/18/2019 16:31	42:13	17:11:20	12:09:53	11.70
6552	LUIS LOPEZ	2/19/2019	2/19/2019	6:59:54	Off-period	2/19/2019 12:35	2/19/2019 13:10	34:40	17:31:20	10:31:26	9.92
6552	LUIS LOPEZ	2/22/2019	2/22/2019	5:45:46	Off-period	2/22/2019 12:00	2/22/2019 12:31	31:03	16:14:52	10:29:06	9.98
6552	LUIS LOPEZ	2/24/2019	2/24/2019	10:14:31	Off-period	2/24/2019 15:40	2/24/2019 16:17	36:51	20:19:29	10:04:58	9.48
6552	LUIS LOPEZ	2/25/2019	2/25/2019	5:50:39	Off-period	2/25/2019 13:16	2/25/2019 13:46	29:57	16:27:24	10:36:45	10.10
6552	LUIS LOPEZ	2/26/2019	2/26/2019	6:57:56	Off-period	2/26/2019 12:39	2/26/2019 13:09	29:57	20:04:26	13:06:30	12.60
6552	LUIS LOPEZ	2/26/2019	2/26/2019	6:57:56	Off-period	2/26/2019 18:17	2/26/2019 19:02	44:30	20:04:26	13:06:30	12.60
6552	LUIS LOPEZ	3/3/2019	3/3/2019	10:18:23					20:20:33	10:02:10	10.00

6552	LUIS LOPEZ	3/4/2019	3/4/2019	5:05:39	Off-period	3/4/2019 11:54	3/4/2019 12:00	06:12	18:25:06	13:19:27	13.20
6552	LUIS LOPEZ	3/4/2019	3/4/2019	5:05:39	Off-period	3/4/2019 12:22	3/4/2019 12:58	35:47	18:25:06	13:19:27	13.20
6552	LUIS LOPEZ	3/4/2019	3/4/2019	5:05:39	Off-period	3/4/2019 15:39	3/4/2019 16:13	33:50	18:25:06	13:19:27	13.20
6552	LUIS LOPEZ	3/5/2019	3/5/2019	5:07:09	Off-period	3/5/2019 12:30	3/5/2019 13:01	30:21	19:15:40	14:08:31	13.58
6552	LUIS LOPEZ	3/5/2019	3/5/2019	5:07:09	Off-period	3/5/2019 17:46	3/5/2019 19:12	25:32	19:15:40	14:08:31	13.58
6552	LUIS LOPEZ	3/8/2019	3/8/2019	6:22:10	Off-period	3/8/2019 13:33	3/8/2019 14:08	35:38	20:42:22	14:20:12	13.72
6552	LUIS LOPEZ	3/8/2019	3/8/2019	6:22:10	Off-period	3/8/2019 18:52	3/8/2019 19:24	31:49	20:42:22	14:20:12	13.72
6552	LUIS LOPEZ	3/10/2019	3/10/2019	10:01:07	Off-period	3/10/2019 14:43	3/10/2019 15:18	35:15	20:22:36	10:21:29	9.82
6552	LUIS LOPEZ	3/11/2019	3/11/2019	5:39:17	Off-period	3/11/2019 13:19	3/11/2019 13:50	31:46	19:20:46	13:41:29	13.18
6552	LUIS LOPEZ	3/11/2019	3/11/2019	5:39:17	Off-period	3/11/2019 16:34	3/11/2019 17:04	29:47	19:20:46	13:41:29	13.18
6552	LUIS LOPEZ	3/12/2019	3/12/2019	6:58:30	Off-period	3/12/2019 12:09	3/12/2019 12:39	30:26	17:17:39	10:19:09	9.80
6552	LUIS LOPEZ	3/15/2019	3/15/2019	6:58:41	Off-period	3/15/2019 14:44	3/15/2019 15:20	36:29	18:32:58	11:34:17	11.00
6552	LUIS LOPEZ	3/17/2019	3/17/2019	10:17:43					21:00:00	10:42:17	6.00
6552	LUIS LOPEZ	3/18/2019	3/18/2019	5:00:00	Off-period	3/18/2019 12:00	3/18/2019 12:30	30:17	19:05:30	14:05:30	13.60
6552	LUIS LOPEZ	3/18/2019	3/18/2019	5:00:00	Off-period	3/18/2019 17:43	3/18/2019 18:30	47:35	19:05:30	14:05:30	13.60
6552	LUIS LOPEZ	3/19/2019	3/19/2019	5:02:34	Off-period	3/19/2019 10:37	3/19/2019 11:08	30:33	18:52:32	13:49:58	13.80
6552	LUIS LOPEZ	3/19/2019	3/19/2019	5:02:34	Off-period	3/19/2019 16:24	3/19/2019 16:58	33:57	18:52:32	13:49:58	13.80
6552	LUIS LOPEZ	3/22/2019	3/22/2019	6:59:13	Off-period	3/22/2019 13:02	3/22/2019 13:32	29:51	20:27:54	13:28:41	12.50
6552	LUIS LOPEZ	3/22/2019	3/22/2019	6:59:13	Off-period	3/22/2019 17:46	3/22/2019 18:16	30:06	20:27:54	13:28:41	12.50
6552	LUIS LOPEZ	4/5/2019	4/5/2019	6:53:50					19:34:35	12:40:45	11.68
6552	LUIS LOPEZ	4/6/2019	4/6/2019	3:20:16	Off-period	4/6/2019 12:42	4/6/2019 13:13	31:49	17:19:00	13:58:44	12.87
6552	LUIS LOPEZ	4/6/2019	4/6/2019	3:20:16	Off-period	4/6/2019 15:05	4/6/2019 15:42	36:59	17:19:00	13:58:44	12.87
6552	LUIS LOPEZ	4/7/2019	4/7/2019	10:03:47	Off-period	4/7/2019 14:43	4/7/2019 15:13	30:16	20:22:26	10:18:39	9.80
6552	LUIS LOPEZ	4/8/2019	4/8/2019	5:27:07					19:17:47	13:50:40	12.73
6552	LUIS LOPEZ	4/9/2019	4/9/2019	6:12:21	Off-period	4/9/2019 16:44	4/9/2019 16:45	00:14	20:08:49	13:56:28	13.85
6552	LUIS LOPEZ	4/9/2019	4/9/2019	6:12:21	Off-period	4/9/2019 16:45	4/9/2019 16:47	01:32	20:08:49	13:56:28	13.85
6552	LUIS LOPEZ	4/9/2019	4/9/2019	6:12:21	Off-period	4/9/2019 17:05	4/9/2019 17:40	35:06	20:08:49	13:56:28	13.85
6552	LUIS LOPEZ	4/9/2019	4/9/2019	6:12:21	Off-period	4/9/2019 18:46	4/9/2019 19:19	33:14	20:08:49	13:56:28	13.85
6552	LUIS LOPEZ	4/10/2019	4/10/2019	6:25:29					20:11:48	13:46:19	12.58
6552	LUIS LOPEZ	4/13/2019	4/13/2019	9:38:27	Off-period	4/13/2019 16:59	4/13/2019 17:29	29:57	23:00:10	13:21:43	12.35
6552	LUIS LOPEZ	4/13/2019	4/13/2019	9:38:27	Off-period	4/13/2019 21:56	4/13/2019 22:29	32:59	23:00:10	13:21:43	12.35
6552	LUIS LOPEZ	4/14/2019	4/14/2019	12:06:28	Off-period	4/14/2019 16:49	4/14/2019 17:21	31:15	22:14:48	10:08:20	9.57
6552	LUIS LOPEZ	4/15/2019	4/15/2019	5:03:13	Off-period	4/15/2019 14:53	4/15/2019 15:29	35:57	20:03:01	14:59:48	14.40
6552	LUIS LOPEZ	4/16/2019	4/16/2019	5:00:00					19:45:27	14:45:27	13.23
6552	LUIS LOPEZ	4/17/2019	4/17/2019	4:55:27	Off-period	4/17/2019 14:34	4/17/2019 15:19	45:13	19:03:02	14:07:35	12.85
6552	LUIS LOPEZ	4/17/2019	4/17/2019	4:55:27	Off-period	4/17/2019 17:15	4/17/2019 17:45	30:19	19:03:02	14:07:35	12.85
6552	LUIS LOPEZ	4/19/2019	4/19/2019	6:05:13	Off-period	4/19/2019 9:10	4/19/2019 9:40	29:23	19:08:43	13:03:30	11.92
6552	LUIS LOPEZ	4/19/2019	4/19/2019	6:05:13	Off-period	4/19/2019 15:58	4/19/2019 16:39	40:45	19:08:43	13:03:30	11.92

6552	LUIS LOPEZ	4/20/2019	4/20/2019	4:16:28	Off-period	4/20/2019 11:40	4/20/2019 12:10	29:29	14:30:48	10:14:20	9.70
6552	LUIS LOPEZ	4/21/2019	4/21/2019	3:41:35	Off-period	4/21/2019 10:06	4/21/2019 10:45	39:00	16:42:54	13:01:19	11.22
6552	LUIS LOPEZ	4/21/2019	4/21/2019	3:41:35	Off-period	4/21/2019 14:50	4/21/2019 15:58	08:00	16:42:54	13:01:19	11.22
6552	LUIS LOPEZ	4/22/2019	4/22/2019	6:28:06					20:11:59	13:43:53	12.53
6552	LUIS LOPEZ	4/23/2019	4/23/2019	5:02:14					19:04:45	14:02:31	12.00
6552	LUIS LOPEZ	4/26/2019	4/26/2019	4:54:40	Off-period	4/26/2019 13:42	4/26/2019 14:13	31:48	19:17:06	14:22:26	13.32
6552	LUIS LOPEZ	4/26/2019	4/26/2019	4:54:40	Off-period	4/26/2019 17:39	4/26/2019 18:13	33:35	19:17:06	14:22:26	13.32
6552	LUIS LOPEZ	4/27/2019	4/27/2019	4:47:50	Off-period	4/27/2019 12:38	4/27/2019 13:12	34:23	17:48:56	13:01:06	11.87
6552	LUIS LOPEZ	4/27/2019	4/27/2019	4:47:50	Off-period	4/27/2019 15:57	4/27/2019 16:31	34:07	17:48:56	13:01:06	11.87
6552	LUIS LOPEZ	4/28/2019	4/28/2019	4:05:09	Off-period	4/28/2019 9:34	4/28/2019 10:06	32:04	18:35:19	14:30:10	12.00
6552	LUIS LOPEZ	4/28/2019	4/28/2019	4:05:09	Off-period	4/28/2019 16:52	4/28/2019 17:30	37:46	18:35:19	14:30:10	12.00
6552	LUIS LOPEZ	4/29/2019	4/29/2019	4:41:16					18:50:51	14:09:35	13.65
6552	LUIS LOPEZ	4/30/2019	4/30/2019	4:46:56	Off-period	4/30/2019 10:31	4/30/2019 11:04	32:25	18:33:18	13:46:22	12.63
6552	LUIS LOPEZ	4/30/2019	4/30/2019	4:46:56	Off-period	4/30/2019 16:10	4/30/2019 16:47	37:04	18:33:18	13:46:22	12.63
6552	LUIS LOPEZ	5/3/2019	5/3/2019	4:50:10					18:51:55	14:01:45	12.92
6552	LUIS LOPEZ	5/4/2019	5/4/2019	5:03:20					20:59:00	15:55:40	15.90
6552	LUIS LOPEZ	5/5/2019	5/5/2019	6:10:34					14:24:45	8:14:11	8.20
6552	LUIS LOPEZ	5/6/2019	5/6/2019	5:00:28	Off-period	5/6/2019 12:00	5/6/2019 12:30	29:28	18:28:43	13:28:15	12.47
6552	LUIS LOPEZ	5/6/2019	5/6/2019	5:00:28	Off-period	5/6/2019 15:21	5/6/2019 15:53	32:07	18:28:43	13:28:15	12.47
6552	LUIS LOPEZ	5/7/2019	5/7/2019	5:17:57	Off-period	5/7/2019 14:48	5/7/2019 15:27	39:21	20:06:37	14:48:40	13.63
6552	LUIS LOPEZ	5/7/2019	5/7/2019	5:17:57	Off-period	5/7/2019 17:56	5/7/2019 18:27	30:48	20:06:37	14:48:40	13.63
6552	LUIS LOPEZ	5/9/2019	5/9/2019	6:57:53	Off-period	5/9/2019 13:51	5/9/2019 14:25	33:37	20:31:40	13:33:47	12.53
6552	LUIS LOPEZ	5/9/2019	5/9/2019	6:57:53	Off-period	5/9/2019 19:23	5/9/2019 19:53	29:57	20:31:40	13:33:47	12.53
6552	LUIS LOPEZ	5/10/2019	5/10/2019	4:49:13	Off-period	5/10/2019 13:48	5/10/2019 14:22	33:56	19:57:49	15:08:36	14.02
6552	LUIS LOPEZ	5/10/2019	5/10/2019	4:49:13	Off-period	5/10/2019 18:06	5/10/2019 18:37	30:40	19:57:49	15:08:36	14.02
6552	LUIS LOPEZ	5/11/2019	5/11/2019	11:09:05					22:02:15	10:53:10	10.90
6552	LUIS LOPEZ	5/12/2019	5/12/2019	9:55:22	Off-period	5/12/2019 14:17	5/12/2019 14:47	30:01	18:34:00	8:38:38	8.20
6552	LUIS LOPEZ	5/13/2019	5/13/2019	4:54:24	Off-period	5/13/2019 12:03	5/13/2019 12:33	30:18	19:12:12	14:17:48	13.27
6552	LUIS LOPEZ	5/13/2019	5/13/2019	4:54:24	Off-period	5/13/2019 18:39	5/13/2019 19:11	32:31	19:12:12	14:17:48	13.27
6552	LUIS LOPEZ	5/14/2019	5/14/2019	4:51:59	Off-period	5/14/2019 13:38	5/14/2019 14:09	30:58	18:52:58	14:00:59	13.48
6552	LUIS LOPEZ	5/17/2019	5/17/2019	5:00:00	Off-period	5/17/2019 12:00	5/17/2019 12:38	38:23	19:15:57	14:15:57	13.02
6552	LUIS LOPEZ	5/17/2019	5/17/2019	5:00:00	Off-period	5/17/2019 18:20	5/17/2019 18:59	39:17	19:15:57	14:15:57	13.02
6552	LUIS LOPEZ	5/18/2019	5/18/2019	3:04:57	Off-period	5/18/2019 11:02	5/18/2019 11:30	28:06	11:31:22	8:26:25	8.03
6552	LUIS LOPEZ	5/19/2019	5/19/2019	13:19:59	Off-period	5/19/2019 21:00	5/19/2019 21:42	42:41	22:55:37	9:35:38	8.90
6552	LUIS LOPEZ	5/20/2019	5/20/2019	6:40:49	Off-period	5/20/2019 12:11	5/20/2019 12:56	45:30	20:08:26	13:27:37	12.22
6552	LUIS LOPEZ	5/20/2019	5/20/2019	6:40:49	Off-period	5/20/2019 17:18	5/20/2019 17:50	31:20	20:08:26	13:27:37	12.22
6552	LUIS LOPEZ	5/21/2019	5/21/2019	4:54:14	Off-period	5/21/2019 11:56	5/21/2019 12:26	29:18	19:00:02	14:05:48	12.97
6552	LUIS LOPEZ	5/21/2019	5/21/2019	4:54:14	Off-period	5/21/2019 17:30	5/21/2019 18:08	37:50	19:00:02	14:05:48	12.97

6552	LUIS LOPEZ	5/24/2019	5/24/2019	5:10:46	Off-period	5/24/2019 12:29	5/24/2019 13:01	32:02	20:02:12	14:51:26	13.78
6552	LUIS LOPEZ	5/24/2019	5/24/2019	5:10:46	Off-period	5/24/2019 18:46	5/24/2019 19:21	34:49	20:02:12	14:51:26	13.78
6552	LUIS LOPEZ	5/25/2019	5/25/2019	3:06:49					11:56:57	8:50:08	8.80
6552	LUIS LOPEZ	5/26/2019	5/26/2019	13:29:45	Off-period	5/26/2019 17:13	5/26/2019 18:05	52:18	22:14:42	8:44:57	7.93
6552	LUIS LOPEZ	5/27/2019	5/27/2019	4:50:53	Off-period	5/27/2019 14:20	5/27/2019 14:55	34:33	19:31:22	14:40:29	13.57
6552	LUIS LOPEZ	5/27/2019	5/27/2019	4:50:53	Off-period	5/27/2019 17:05	5/27/2019 17:38	32:26	19:31:22	14:40:29	13.57
6552	LUIS LOPEZ	5/28/2019	5/28/2019	4:51:51	Off-period	5/28/2019 12:03	5/28/2019 12:39	36:23	18:07:11	13:15:20	12.15
6552	LUIS LOPEZ	5/28/2019	5/28/2019	4:51:51	Off-period	5/28/2019 15:39	5/28/2019 16:12	33:31	18:07:11	13:15:20	12.15
6552	LUIS LOPEZ	5/31/2019	5/31/2019	5:22:09	Off-period	5/31/2019 12:20	5/31/2019 12:39	19:13	19:51:59	14:29:50	13.82
6552	LUIS LOPEZ	5/31/2019	5/31/2019	5:22:09	Off-period	5/31/2019 12:49	5/31/2019 13:11	21:53	19:51:59	14:29:50	13.82
6552	LUIS LOPEZ	5/31/2019	5/31/2019	5:22:09	Off-period	5/31/2019 18:08	5/31/2019 18:42	34:01	19:51:59	14:29:50	13.82
6552	LUIS LOPEZ	6/1/2019	6/1/2019	3:49:54					13:00:00	9:10:06	9.25
6552	LUIS LOPEZ	6/2/2019	6/2/2019	13:34:58	Off-period	6/2/2019 18:27	6/2/2019 18:57	30:16	22:42:45	9:07:47	8.60
6552	LUIS LOPEZ	6/3/2019	6/3/2019	5:06:06	Off-period	6/3/2019 12:24	6/3/2019 12:57	32:39	18:46:54	13:40:48	12.42
6552	LUIS LOPEZ	6/3/2019	6/3/2019	5:06:06	Off-period	6/3/2019 17:21	6/3/2019 18:05	43:39	18:46:54	13:40:48	12.42
6552	LUIS LOPEZ	6/4/2019	6/4/2019	4:49:51	Off-period	6/4/2019 12:27	6/4/2019 13:02	35:07	18:55:16	14:05:25	12.87
6552	LUIS LOPEZ	6/4/2019	6/4/2019	4:49:51	Off-period	6/4/2019 16:59	6/4/2019 17:38	38:56	18:55:16	14:05:25	12.87
6552	LUIS LOPEZ	6/7/2019	6/7/2019	5:50:19	Off-period	6/7/2019 13:52	6/7/2019 14:33	40:31	19:02:16	13:11:57	12.02
6552	LUIS LOPEZ	6/7/2019	6/7/2019	5:50:19	Off-period	6/7/2019 16:05	6/7/2019 16:35	29:16	19:02:16	13:11:57	12.02
6552	LUIS LOPEZ	6/8/2019	6/8/2019	4:09:42	Off-period	6/8/2019 10:01	6/8/2019 11:01	00:28	13:09:44	9:00:02	8.00
6552	LUIS LOPEZ	6/9/2019	6/9/2019	4:05:49	Off-period	6/9/2019 11:59	6/9/2019 12:41	42:12	14:35:53	10:30:04	9.80
6552	LUIS LOPEZ	6/10/2019	6/10/2019	6:04:10	Off-period	6/10/2019 12:57	6/10/2019 13:32	34:35	19:54:33	13:50:23	12.13
6552	LUIS LOPEZ	6/10/2019	6/10/2019	6:04:10	Off-period	6/10/2019 17:33	6/10/2019 18:38	04:56	19:54:33	13:50:23	12.13
6552	LUIS LOPEZ	6/14/2019	6/14/2019	4:48:07	Off-period	6/14/2019 15:18	6/14/2019 15:49	31:15	19:32:12	14:44:05	13.65
6552	LUIS LOPEZ	6/14/2019	6/14/2019	4:48:07	Off-period	6/14/2019 18:25	6/14/2019 18:57	31:20	19:32:12	14:44:05	13.65
6552	LUIS LOPEZ	6/15/2019	6/15/2019	4:56:35	Off-period	6/15/2019 11:08	6/15/2019 11:38	30:24	19:01:18	14:04:43	12.97
6552	LUIS LOPEZ	6/15/2019	6/15/2019	4:56:35	Off-period	6/15/2019 18:10	6/15/2019 18:48	38:20	19:01:18	14:04:43	12.97
6552	LUIS LOPEZ	6/16/2019	6/16/2019	6:58:09	Off-period	6/16/2019 13:58	6/16/2019 14:32	33:41	17:58:40	11:00:31	10.43
6552	LUIS LOPEZ	6/17/2019	6/17/2019	5:03:07	Off-period	6/17/2019 12:07	6/17/2019 12:39	31:53	19:02:27	13:59:20	12.80
6552	LUIS LOPEZ	6/17/2019	6/17/2019	5:03:07	Off-period	6/17/2019 16:40	6/17/2019 17:20	39:52	19:02:27	13:59:20	12.80
6552	LUIS LOPEZ	6/20/2019	6/20/2019	5:02:33	Off-period	6/20/2019 13:00	6/20/2019 13:40	39:13	18:58:29	13:55:56	12.72
6552	LUIS LOPEZ	6/20/2019	6/20/2019	5:02:33	Off-period	6/20/2019 17:07	6/20/2019 17:38	31:36	18:58:29	13:55:56	12.72
6552	LUIS LOPEZ	6/21/2019	6/21/2019	4:47:53	Off-period	6/21/2019 13:10	6/21/2019 13:40	30:34	19:39:24	14:51:31	11.63
6552	LUIS LOPEZ	6/21/2019	6/21/2019	4:47:53	Off-period	6/21/2019 18:04	6/21/2019 18:35	30:58	19:39:24	14:51:31	11.63
6552	LUIS LOPEZ	6/22/2019	6/22/2019	4:04:41	Off-period	6/22/2019 12:26	6/22/2019 13:00	33:39	17:12:01	13:07:20	12.00
6552	LUIS LOPEZ	6/23/2019	6/23/2019	8:43:18	Off-period	6/23/2019 16:04	6/23/2019 16:53	49:00	21:14:20	12:31:02	11.13
6552	LUIS LOPEZ	6/23/2019	6/23/2019	8:43:18	Off-period	6/23/2019 19:16	6/23/2019 19:49	32:33	21:14:20	12:31:02	11.13
6552	LUIS LOPEZ	6/24/2019	6/24/2019	4:09:09	Off-period	6/24/2019 12:20	6/24/2019 12:53	32:52	19:24:43	15:15:34	14.23

6552	LUIS LOPEZ	6/24/2019	6/24/2019	4:09:09	Off-period	6/24/2019 18:14	6/24/2019 18:45	31:45	19:24:43	15:15:34	14.23
6552	LUIS LOPEZ	6/28/2019	6/28/2019	5:12:03	Off-period	6/28/2019 11:13	6/28/2019 11:49	36:04	19:44:49	14:32:46	13.33
6552	LUIS LOPEZ	6/28/2019	6/28/2019	5:12:03	Off-period	6/28/2019 18:36	6/28/2019 19:10	34:32	19:44:49	14:32:46	13.33
6552	LUIS LOPEZ	6/29/2019	6/29/2019	6:42:54	Off-period	6/29/2019 13:49	6/29/2019 18:34	44:39	18:35:00	11:52:06	11.50
6552	LUIS LOPEZ	6/30/2019	6/30/2019	11:00:42					19:29:03	8:28:21	7.98
6552	LUIS LOPEZ	7/1/2019	7/1/2019	4:47:25	Off-period	7/1/2019 11:36	7/1/2019 12:06	29:16	18:15:26	13:28:01	12.38
6552	LUIS LOPEZ	7/1/2019	7/1/2019	4:47:25	Off-period	7/1/2019 15:58	7/1/2019 16:35	36:47	18:15:26	13:28:01	12.38
6552	LUIS LOPEZ	7/4/2019	7/4/2019	6:05:50					19:00:00	12:54:10	10.00
6552	LUIS LOPEZ	8/2/2019	8/2/2019	5:00:47					20:02:43	15:01:56	14.53
6552	LUIS LOPEZ	8/4/2019	8/4/2019	4:15:09	Off-period	8/4/2019 12:00	8/4/2019 13:55	54:51	19:40:14	15:25:05	13.48
6552	LUIS LOPEZ	8/5/2019	8/5/2019	5:05:59	Off-period	8/5/2019 15:42	8/5/2019 16:28	45:49	18:15:18	13:09:19	12.43
6552	LUIS LOPEZ	8/12/2019	8/12/2019	5:04:36					18:02:48	12:58:12	12.00
6552	LUIS LOPEZ	8/15/2019	8/15/2019	5:39:32	Off-period	8/15/2019 16:39	8/15/2019 17:10	30:31	18:18:37	12:39:05	12.15
6552	LUIS LOPEZ	8/17/2019	8/17/2019	13:48:10	Off-period	8/17/2019 22:05	8/17/2019 22:36	30:46	23:26:23	9:38:13	9.08
6552	LUIS LOPEZ	8/18/2019	8/18/2019	7:44:20	Off-period	8/18/2019 13:41	8/18/2019 13:41	00:18	19:53:17	12:08:57	11.10
6552	LUIS LOPEZ	8/18/2019	8/18/2019	7:44:20	Off-period	8/18/2019 13:41	8/18/2019 14:12	30:21	19:53:17	12:08:57	11.10
6552	LUIS LOPEZ	8/18/2019	8/18/2019	7:44:20	Off-period	8/18/2019 17:36	8/18/2019 18:11	35:26	19:53:17	12:08:57	11.10
6552	LUIS LOPEZ	8/19/2019	8/19/2019	4:45:17	Off-period	8/19/2019 11:58	8/19/2019 12:30	31:44	19:32:17	14:47:00	13.65
6552	LUIS LOPEZ	8/19/2019	8/19/2019	4:45:17	Off-period	8/19/2019 17:37	8/19/2019 18:14	37:42	19:32:17	14:47:00	13.65
6552	LUIS LOPEZ	8/20/2019	8/20/2019	5:00:00	Off-period	8/20/2019 17:19	8/20/2019 18:21	01:43	20:15:19	15:15:19	14.27
6552	LUIS LOPEZ	8/22/2019	8/22/2019	5:01:28	Off-period	8/22/2019 14:22	8/22/2019 14:52	29:34	16:31:32	11:30:04	9.77
6552	LUIS LOPEZ	8/23/2019	8/23/2019	4:50:20	Off-period	8/23/2019 11:55	8/23/2019 12:27	31:29	17:56:15	13:05:55	11.88
6552	LUIS LOPEZ	8/23/2019	8/23/2019	4:50:20	Off-period	8/23/2019 15:41	8/23/2019 16:22	40:24	17:56:15	13:05:55	11.88
6552	LUIS LOPEZ	8/24/2019	8/24/2019	4:01:46	Off-period	8/24/2019 10:46	8/24/2019 11:21	34:42	13:36:49	9:35:03	9.02
6552	LUIS LOPEZ	8/25/2019	8/25/2019	8:54:31	Off-period	8/25/2019 17:29	8/25/2019 18:03	33:44	19:30:43	10:36:12	10.03
6552	LUIS LOPEZ	8/26/2019	8/26/2019	4:38:27	Off-period	8/26/2019 16:19	8/26/2019 17:20	01:05	18:49:37	14:11:10	13.18
6552	LUIS LOPEZ	8/29/2019	8/29/2019	5:04:26	Off-period	8/29/2019 12:25	8/29/2019 12:59	33:55	16:19:23	11:14:57	10.73
6552	LUIS LOPEZ	8/31/2019	8/31/2019	4:54:34	Off-period	8/31/2019 10:39	8/31/2019 11:40	00:18	16:09:53	11:15:19	10.28
6552	LUIS LOPEZ	9/1/2019	9/1/2019	7:07:16	Off-period	9/1/2019 12:27	9/1/2019 12:57	30:08	19:00:47	11:53:31	11.67
6552	LUIS LOPEZ	9/1/2019	9/1/2019	7:07:16	Off-period	9/1/2019 18:19	9/1/2019 18:48	28:56	19:00:47	11:53:31	11.67
6552	LUIS LOPEZ	9/2/2019	9/2/2019	4:43:58	Off-period	9/2/2019 11:56	9/2/2019 12:26	30:13	19:01:56	14:17:58	13.22
6552	LUIS LOPEZ	9/2/2019	9/2/2019	4:43:58	Off-period	9/2/2019 18:16	9/2/2019 18:51	35:01	19:01:56	14:17:58	13.22
6552	LUIS LOPEZ	9/5/2019	9/5/2019	5:00:38	Off-period	9/5/2019 10:43	9/5/2019 11:16	32:37	19:00:23	13:59:45	12.93
6552	LUIS LOPEZ	9/5/2019	9/5/2019	5:00:38	Off-period	9/5/2019 15:38	9/5/2019 16:09	30:46	19:00:23	13:59:45	12.93
6552	LUIS LOPEZ	9/6/2019	9/6/2019	4:47:42	Off-period	9/6/2019 13:21	9/6/2019 13:53	31:12	19:07:31	14:19:49	13.18
6552	LUIS LOPEZ	9/6/2019	9/6/2019	4:47:42	Off-period	9/6/2019 15:58	9/6/2019 16:33	34:22	19:07:31	14:19:49	13.18
6552	LUIS LOPEZ	9/7/2019	9/7/2019	4:48:28	Off-period	9/7/2019 12:03	9/7/2019 12:52	48:55	13:59:41	9:11:13	8.38
6552	LUIS LOPEZ	9/8/2019	9/8/2019	10:28:06	Off-period	9/8/2019 16:56	9/8/2019 17:42	46:03	22:44:59	12:16:53	11.53

6552	LUIS LOPEZ	9/9/2019	9/9/2019	4:49:15	Off-period	9/9/2019 13:45	9/9/2019 14:15	30:31	20:08:40	15:19:25	14.27
6552	LUIS LOPEZ	9/9/2019	9/9/2019	4:49:15	Off-period	9/9/2019 18:04	9/9/2019 18:36	31:32	20:08:40	15:19:25	14.27
6552	LUIS LOPEZ	9/12/2019	9/12/2019	5:07:04	Off-period	9/12/2019 14:45	9/12/2019 15:16	30:54	19:11:09	14:04:05	13.08
6552	LUIS LOPEZ	9/12/2019	9/12/2019	5:07:04	Off-period	9/12/2019 17:57	9/12/2019 18:27	30:09	19:11:09	14:04:05	13.08
6552	LUIS LOPEZ	9/13/2019	9/13/2019	4:59:26	Off-period	9/13/2019 10:44	9/13/2019 11:16	32:00	19:12:46	14:13:20	13.17
6552	LUIS LOPEZ	9/13/2019	9/13/2019	4:59:26	Off-period	9/13/2019 17:28	9/13/2019 17:58	29:56	19:12:46	14:13:20	13.17
6552	LUIS LOPEZ	9/14/2019	9/14/2019	4:58:22	Off-period	9/14/2019 11:00	9/14/2019 11:31	30:16	19:26:57	14:28:35	13.43
6552	LUIS LOPEZ	9/14/2019	9/14/2019	4:58:22	Off-period	9/14/2019 18:23	9/14/2019 18:56	32:30	19:26:57	14:28:35	13.43
6552	LUIS LOPEZ	9/15/2019	9/15/2019	3:35:25	Off-period	9/15/2019 13:31	9/15/2019 14:01	29:39	14:35:01	10:59:36	10.50
6552	LUIS LOPEZ	9/16/2019	9/16/2019	4:50:10	Off-period	9/16/2019 11:47	9/16/2019 12:18	30:29	18:36:43	13:46:33	12.67
6552	LUIS LOPEZ	9/16/2019	9/16/2019	4:50:10	Off-period	9/16/2019 16:11	9/16/2019 16:48	37:19	18:36:43	13:46:33	12.67
6552	LUIS LOPEZ	9/18/2019	9/18/2019	5:00:00	Off-period	9/18/2019 12:32	9/18/2019 13:02	29:49	19:54:52	14:54:52	13.58
6552	LUIS LOPEZ	9/18/2019	9/18/2019	5:00:00	Off-period	9/18/2019 18:38	9/18/2019 19:27	48:21	19:54:52	14:54:52	13.58
6552	LUIS LOPEZ	9/19/2019	9/19/2019	4:12:26	Off-period	9/19/2019 14:44	9/19/2019 14:44	00:01	18:22:25	14:09:59	13.68
6552	LUIS LOPEZ	9/19/2019	9/19/2019	4:12:26	Off-period	9/19/2019 14:44	9/19/2019 15:15	31:47	18:22:25	14:09:59	13.68
6552	LUIS LOPEZ	9/19/2019	9/19/2019	4:12:26	Off-period	9/19/2019 16:45	9/19/2019 17:53	08:14	18:22:25	14:09:59	13.68
6552	LUIS LOPEZ	9/20/2019	9/20/2019	4:44:17	Off-period	9/20/2019 14:13	9/20/2019 14:46	33:36	18:01:49	13:17:32	12.25
6552	LUIS LOPEZ	9/20/2019	9/20/2019	4:44:17	Off-period	9/20/2019 16:30	9/20/2019 17:00	29:30	18:01:49	13:17:32	12.25
6552	LUIS LOPEZ	9/21/2019	9/21/2019	5:00:23	Off-period	9/21/2019 11:15	9/21/2019 11:46	31:10	16:29:01	11:28:38	10.98
6552	LUIS LOPEZ	9/22/2019	9/22/2019	10:28:13					20:03:18	9:35:05	9.50
6552	LUIS LOPEZ	9/23/2019	9/23/2019	5:00:00	Off-period	9/23/2019 14:58	9/23/2019 15:38	40:11	19:01:53	14:01:53	12.80
6552	LUIS LOPEZ	9/23/2019	9/23/2019	5:00:00	Off-period	9/23/2019 17:56	9/23/2019 18:28	32:02	19:01:53	14:01:53	12.80
6552	LUIS LOPEZ	9/26/2019	9/26/2019	5:00:00	Off-period	9/26/2019 18:07	9/26/2019 18:37	30:34	19:01:34	14:01:34	13.50
6552	LUIS LOPEZ	9/27/2019	9/27/2019	4:52:20	Off-period	9/27/2019 12:59	9/27/2019 13:30	30:42	20:32:53	15:40:33	15.18
6552	LUIS LOPEZ	9/28/2019	9/28/2019	3:47:14	Off-period	9/28/2019 11:29	9/28/2019 12:19	50:36	17:43:39	13:56:25	13.07
6552	LUIS LOPEZ	9/30/2019	9/30/2019	6:13:30	Off-period	9/30/2019 19:00	9/30/2019 19:31	31:10	21:03:38	14:50:08	12.50
6552	LUIS LOPEZ	10/3/2019	10/3/2019	10:32:04	Off-period	10/3/2019 19:20	10/3/2019 20:22	01:43	23:32:52	13:00:48	11.97
6552	LUIS LOPEZ	10/4/2019	10/4/2019	14:00:00					22:32:22	8:32:22	8.50
6552	LUIS LOPEZ	10/5/2019	10/5/2019	12:04:03	Off-period	10/5/2019 16:46	10/5/2019 17:19	32:37	20:31:45	8:27:42	7.95
6552	LUIS LOPEZ	10/6/2019	10/6/2019	9:47:02	Off-period	10/6/2019 13:00	10/6/2019 14:00	00:30	20:30:08	10:43:06	9.70
6552	LUIS LOPEZ	10/7/2019	10/7/2019	4:35:51	Off-period	10/7/2019 15:31	10/7/2019 16:07	36:20	18:36:15	14:00:24	12.82
6552	LUIS LOPEZ	10/7/2019	10/7/2019	4:35:51	Off-period	10/7/2019 17:23	10/7/2019 17:58	35:34	18:36:15	14:00:24	12.82
6552	LUIS LOPEZ	10/10/2019	10/10/2019	5:10:17	Off-period	10/10/2019 17:01	10/10/2019 18:05	03:29	19:34:29	14:24:12	13.33
6552	LUIS LOPEZ	10/11/2019	10/11/2019	4:58:41					20:45:16	15:46:35	15.80
6552	LUIS LOPEZ	10/12/2019	10/12/2019	12:57:46	Off-period	10/12/2019 18:41	10/12/2019 19:12	31:03	23:03:02	10:05:16	9.58
6552	LUIS LOPEZ	10/13/2019	10/13/2019	10:58:50	Off-period	10/13/2019 17:55	10/13/2019 18:25	30:16	21:31:20	10:32:30	10.10
6552	LUIS LOPEZ	10/14/2019	10/14/2019	4:53:05	Off-period	10/14/2019 12:05	10/14/2019 12:41	35:45	18:55:33	14:02:28	12.77
6552	LUIS LOPEZ	10/14/2019	10/14/2019	4:53:05	Off-period	10/14/2019 16:57	10/14/2019 17:35	38:46	18:55:33	14:02:28	12.77

6552	LUIS LOPEZ	10/17/2019	10/17/2019	4:56:50	Off-period	10/17/2019 12:51	10/17/2019 13:28	37:20	15:29:51	10:33:01	9.98
6552	LUIS LOPEZ	10/18/2019	10/19/2019	10:04:50					0:04:20	#####	12.93
6552	LUIS LOPEZ	10/19/2019	10/20/2019	18:05:39					0:22:53	#####	6.30
6552	LUIS LOPEZ	10/20/2019	10/20/2019	10:03:16					20:32:43	10:29:27	10.50
6552	LUIS LOPEZ	10/21/2019	10/21/2019	5:00:00	Off-period	10/21/2019 15:09	10/21/2019 16:15	06:50	17:37:26	12:37:26	11.50
6552	LUIS LOPEZ	10/25/2019	10/25/2019	11:04:57					22:00:58	10:56:01	10.90
6552	LUIS LOPEZ	10/27/2019	10/27/2019	11:03:27					21:34:26	10:30:59	10.50
6552	LUIS LOPEZ	10/28/2019	10/28/2019	5:30:00					16:49:18	11:19:18	11.00
6552	LUIS LOPEZ	10/31/2019	10/31/2019	5:06:39	Off-period	10/31/2019 13:20	10/31/2019 13:51	30:05	19:21:51	14:15:12	13.25
6552	LUIS LOPEZ	10/31/2019	10/31/2019	5:06:39	Off-period	10/31/2019 18:01	10/31/2019 18:33	31:31	19:21:51	14:15:12	13.25
6552	LUIS LOPEZ	11/1/2019	11/1/2019	7:06:39					22:00:00	14:53:21	13.75
6552	LUIS LOPEZ	11/3/2019	11/3/2019	11:06:26					19:37:42	8:31:16	8.00
6552	LUIS LOPEZ	11/4/2019	11/4/2019	5:00:00	Off-period	11/4/2019 14:17	11/4/2019 14:48	30:49	19:01:50	14:01:50	12.98
6552	LUIS LOPEZ	11/4/2019	11/4/2019	5:00:00	Off-period	11/4/2019 18:00	11/4/2019 18:30	29:51	19:01:50	14:01:50	12.98
6552	LUIS LOPEZ	11/7/2019	11/7/2019	10:10:52					18:36:45	8:25:53	8.40
6552	LUIS LOPEZ	11/8/2019	11/8/2019	4:51:11	Off-period	11/8/2019 13:28	11/8/2019 14:00	31:06	17:28:04	12:36:53	12.07
6552	LUIS LOPEZ	11/10/2019	11/10/2019	14:05:12					21:37:05	7:31:53	7.50
6552	LUIS LOPEZ	11/11/2019	11/11/2019	5:03:15	Off-period	11/11/2019 12:57	11/11/2019 13:40	43:17	16:34:16	11:31:01	10.78
6552	LUIS LOPEZ	11/14/2019	11/14/2019	8:15:18	Off-period	11/14/2019 15:24	11/14/2019 16:01	36:48	18:15:18	10:00:00	9.38
6552	LUIS LOPEZ	11/15/2019	11/15/2019	4:59:18	Off-period	11/15/2019 15:02	11/15/2019 15:42	39:52	18:29:30	13:30:12	12.33
6552	LUIS LOPEZ	11/15/2019	11/15/2019	4:59:18	Off-period	11/15/2019 17:08	11/15/2019 17:38	30:08	18:29:30	13:30:12	12.33
6552	LUIS LOPEZ	11/17/2019	11/17/2019	9:38:01	Off-period	11/17/2019 19:26	11/17/2019 20:05	38:41	20:06:00	10:27:59	12.00
6552	LUIS LOPEZ	11/18/2019	11/18/2019	5:30:00	Off-period	11/18/2019 16:36	11/18/2019 17:12	35:39	19:34:28	14:04:28	12.90
6552	LUIS LOPEZ	11/18/2019	11/18/2019	5:30:00	Off-period	11/18/2019 18:07	11/18/2019 18:43	35:38	19:34:28	14:04:28	12.90
6552	LUIS LOPEZ	11/21/2019	11/21/2019	8:22:26	Off-period	11/21/2019 14:27	11/21/2019 14:58	30:33	16:58:08	8:35:42	8.08
6552	LUIS LOPEZ	11/22/2019	11/22/2019	4:48:37	Off-period	11/22/2019 11:38	11/22/2019 12:08	30:17	15:42:09	10:53:32	10.40
6552	LUIS LOPEZ	11/23/2019	11/23/2019	10:31:52	Off-period	11/23/2019 16:45	11/23/2019 17:17	31:43	19:06:44	8:34:52	8.07
6552	LUIS LOPEZ	11/24/2019	11/24/2019	11:07:36					19:08:42	8:01:06	8.00
6552	LUIS LOPEZ	11/25/2019	11/25/2019	4:45:31	Off-period	11/25/2019 12:10	11/25/2019 12:43	33:00	14:02:28	9:16:57	8.75
6552	LUIS LOPEZ	11/30/2019	11/30/2019	5:08:10					15:11:16	10:03:06	9.58
6552	LUIS LOPEZ	12/1/2019	12/1/2019	10:32:44					19:00:38	8:27:54	8.50
6552	LUIS LOPEZ	12/2/2019	12/2/2019	5:00:00	Off-period	12/2/2019 13:18	12/2/2019 13:59	40:24	19:01:13	14:01:13	13.32
6552	LUIS LOPEZ	12/5/2019	12/5/2019	5:59:06	Off-period	12/5/2019 12:37	12/5/2019 13:09	31:27	17:02:55	11:03:49	10.57
6552	LUIS LOPEZ	12/6/2019	12/6/2019	4:48:19	Off-period	12/6/2019 10:55	12/6/2019 11:27	31:42	19:09:16	14:20:57	13.47
6552	LUIS LOPEZ	12/6/2019	12/6/2019	4:48:19	Off-period	12/6/2019 15:42	12/6/2019 16:06	24:18	19:09:16	14:20:57	13.47
6552	LUIS LOPEZ	12/8/2019	12/8/2019	4:47:12	Off-period	12/8/2019 11:48	12/8/2019 12:21	33:33	14:36:19	9:49:07	9.25
6552	LUIS LOPEZ	12/19/2019	12/19/2019	7:25:20	Off-period	12/19/2019 11:01	12/19/2019 11:31	29:54	16:01:11	8:35:51	8.10
6552	LUIS LOPEZ	12/20/2019	12/20/2019	5:01:59	Off-period	12/20/2019 10:21	12/20/2019 11:00	38:21	18:59:15	13:57:16	12.42

EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LUIS LOPEZ,)
Plaintiff,)
vs.) No. 3:21-cv-06150-KAW
NORTHWEST CASCADE, INC.,)
and DOES 1 to 10,)
Defendants.)

REMOTE VIDEO RECORDED DEPOSITION OF

LUIS ALBERTO LOPEZ IBANEZ

Walnut Creek, California

Monday, February 28, 2022

Volume I

Reported by:
LISA ANDREASEN
CSR No. 9584
Job No. 5079190
PAGES 1 - 157

Page 1

1 A The hitch, it completely separated from the
2 truck.

3 Q And how did you hurt your back and neck?

4 A Because I had to stop the trailer to cause
5 an accident. Because the trailer was over to go 02:02:04
6 over the cars over the next -- to the other lanes.
7 So I slammed the brakes on my truck, and the trailer
8 hit me. Because it was the only way to stop it.

9 Q Okay. So the impact from the trailer
10 hitting the cab is what injured your back? 02:02:21

11 A Yeah, because --

12 Q Okay.

13 A -- it was a heavy trailer.

14 Q Sure. I misunderstood earlier because we
15 were talking about your falling off the trailer. So 02:02:35
16 that's a direct impact onto the ground. And then we
17 talked about your knee, and that was a direct impact
18 on the wood. So I was just trying to understand
19 what exactly caused the injury in 2017.

20 A Oh. 02:02:49

21 Q So that was from the impact of the trailer
22 to the tractor?

23 A Yes, the truck.

24 Q All right. After that 2017 injury, did you
25 miss any work? 02:03:01

1 A Yes.

2 Q How long or how many days did you miss?

3 A For the accident?

4 Q Yeah.

5 A Oh, I didn't miss a day. They put me in 02:03:14

6 the office to do computer work for two weeks.

7 Q Is that something you requested or they

8 suggested?

9 A No, they suggested.

10 Q Did you at that point when you were 02:03:33

11 recovering from that 2017 injury request any other

12 accommodations from Northwest Cascade?

13 A No.

14 Q And after those two weeks in the office --

15 you said it was two weeks; right? 02:03:52

16 A Yes, two weeks.

17 Q After those two weeks in the office, did

18 you feel you were ready to go back to work on

19 regular duty?

20 A No, but they put a helper to do the job. 02:04:02

21 So I started doing it again.

22 Q Okay. And then how long did you require

23 the aid of the helper?

24 A They gave me a helper for, like, two or

25 three weeks. 02:04:19

1 Q After those two or three weeks, did you
2 feel like you were ready for regular return to duty?

3 A Yes.

4 Q Okay. Did a doctor clear you for return to
5 regular duty, or did you just say, yeah, I'm all 02:04:38
6 right now?

7 A The doctor did it.

8 Q A doctor did it. Okay. So in that
9 instance, Northwest Cascade accommodated you by
10 putting you in office work and then gave you a 02:04:59
11 helper out on your drive until your doctor cleared
12 you for regular duty?

13 A Yes.

14 MR. BROWN: Glen, when you get to a good
15 spot, if can we take a break, please. 02:05:15

16 MR. WILLIAMS: Oh, sure. That's fine.
17 Before I get to the injuries, we can -- we can
18 take -- do you need five or ten?

19 MR. BROWN: How about ten.

20 MR. WILLIAMS: Ten sounds good. Thank you 02:05:23
21 for holding me to that.

22 THE VIDEOGRAPHER: All right. We're going
23 off the record. Time is 2:05 p.m., and this is the
24 end of Media Number 3.

25 (Recess taken.) 02:05:35

1 Q Okay. And was that disability leave or
2 just paid time off? Do you know?

3 A The company paid me for it. They were
4 paying me 40 hours a week.

5 Q Did you seek the care of a doctor for 02:19:30
6 addressing that 2019 injury?

7 A Yes.

8 Q Do you recall what the doctor's name was?

9 A No.

10 Q Did you see U.S. HealthWorks for that 02:19:44
11 injury?

12 A Yes, in San Jose.

13 Q And when you returned from work after that
14 month, was that after receiving a doctor's note
15 saying you could return to work? 02:20:10

16 A Yes. Even though I was complaining with
17 pain, they said, go back to work. You will feel
18 better.

19 Q Okay. And when you went back to work, did
20 you request any accommodations, like desk duty or a 02:20:26
21 helper on the route?

22 A A helper.

23 Q Okay. And were you given a helper on the
24 route?

25 A Yes, they did. 02:20:34

1 Q For how long? For how long?

2 A A few weeks. I don't remember.

3 Q Did you request any other accommodations

4 other than a helper?

5 A Yes. 02:20:51

6 Q What else did you request?

7 A I request to be allowed to use the forklift

8 to load my stuff on weekends.

9 Q And what was Northwest Cascade's response

10 to that? 02:21:05

11 A They didn't give me a key to use it. So I

12 was asking to a person in the yard to help me load

13 it on Friday night for my Saturday route, but I was

14 doing it by myself on Sundays.

15 Q Okay. So you had some help on Friday night 02:21:26

16 but not on Sunday?

17 A Um-hmm.

18 Q When you requested the forklift, who did

19 you request that from?

20 A Pat. 02:21:38

21 Q Did you request that in an email or just

22 over the phone?

23 A Over the phone.

24 Q And what did Pat tell you on the phone when

25 you requested that? 02:21:56

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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 remotely by me at the time herein set forth; that any
6 witnesses in the foregoing proceedings, prior to
7 testifying, were administered an oath; that a record of
8 the proceedings was made by me using machine shorthand
9 which was thereafter transcribed under my direction;
10 that the foregoing transcript is a true record of the
11 testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review of the
15 transcript [X] was [] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee of
18 any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21
22 Dated: March 14, 2022



23
24 LISA ANDREASEN

25 CSR No. 9584, RPR

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EXHIBIT D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LUIS LOPEZ,)
Plaintiff,) Case No.
vs.) 3:21-cv-06150-
NORTHWEST CASCADE, INC., and) KAW
DOES 1 to 10,)
Defendants.)

VIDEOTAPED DEPOSITION OF LUIS LOPEZ
March 25, 2022

REPORTED REMOTELY BY:
AMBER S. WILLIAMS, C.S.R. No. 1080
Notary public

1 Q. Okay. And similarly, you wouldn't do 11:18AM
2 any work for your job after you had clocked out for 11:18AM
3 the day, right? 11:18AM
4 A. Sometimes I did, yes. 11:18AM
5 Q. Okay. What would cause you to do any 11:18AM
6 work after you clocked out? 11:18AM
7 A. If they don't have enough units to clean 11:18AM
8 it, then I -- I unload my -- my trailer and truck and 11:18AM
9 then the yard guys, they can pull everything in and 11:18AM
10 wash it for the next day. Sometimes we were short -- 11:18AM
11 they were short for the material. 11:18AM
12 Q. Okay. So what in that information 11:18AM
13 required you to clock out and then work past the 11:18AM
14 clock-out time? 11:19AM
15 A. Not to go over my 14 hours. 11:19AM
16 Q. Okay. So -- 11:19AM
17 A. It would take me, like, maybe 20 minutes 11:19AM
18 to untie my ropes, and sometimes the junk guys, they 11:19AM
19 helped me out to unload it so it wasn't too much 11:19AM
20 time. 20 minutes. 11:19AM
21 Q. And if that happened, would you notify 11:19AM
22 your supervisor that you had clocked out and 11:19AM
23 continued working? 11:19AM
24 A. Yes. I told Pat a couple of times that 11:19AM
25 I -- if I had to do that, I -- he says, "No problem. 11:19AM

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1 It's fine. Just be careful." 11:19AM

2 Q. What did -- did you have an 11:19AM

3 understanding of what he meant by "Just be careful"? 11:19AM

4 A. Yes. 11:19AM

5 Q. What was that? 11:19AM

6 A. Not to get injury or no -- out of the 11:19AM

7 time that you were working. 11:19AM

8 Q. Did you understand that you were 11:19AM

9 supposed to be clocked in for all time that you 11:19AM

10 worked? 11:19AM

11 A. Yes. 11:19AM

12 Q. Okay. And so why did you clock out and 11:19AM

13 then continue working? 11:19AM

14 A. Because I really liked to be following 11:19AM

15 the rules for the DOT. I don't want to get my 11:20AM

16 license suspended, so -- I never had any problems 11:20AM

17 with that. 11:20AM

18 Q. Okay. And for those times that you 11:20AM

19 worked beyond 14 hours after clocking out, were you 11:20AM

20 compensated for the time that you worked past those 11:20AM

21 14 hours? 11:20AM

22 A. No. 11:20AM

23 Q. Okay. Do you know what -- when those 11:20AM

24 times happened? 11:20AM

25 A. No, I don't recall. But maybe once or 11:20AM

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1 sometimes a couple of times a week. Not very often. 11:20AM

2 Q. A couple of times a week you clocked out 11:20AM

3 and continued working? 11:20AM

4 A. Yes. Especially in the summertime. 11:20AM

5 Q. And each of the times that you clocked 11:20AM

6 out and continued working, you notified Pat? 11:20AM

7 A. Yes. 11:20AM

8 Q. Do you have any documentation showing 11:20AM

9 what days you clocked out and then continued working? 11:21AM

10 A. No. 11:21AM

11 Q. But -- so it -- you -- you contend that 11:21AM

12 throughout your employment at Northwest Cascade you 11:21AM

13 worked beyond your clock-out time once or twice a 11:21AM

14 week? 11:21AM

15 A. During summertime, yes. 11:21AM

16 Q. During summertime? 11:21AM

17 A. Yes. During summertime. That -- 11:21AM

18 this -- that kind of business is really, really busy. 11:21AM

19 I mean, if you have the paperwork on it, you can see 11:21AM

20 that I was working sometimes over 80 hours a week. 11:21AM

21 Q. And do you have any documentation that 11:21AM

22 you worked over 80 hours a week sometimes? 11:21AM

23 A. Yes. I have all my pay stubs at my 11:21AM

24 house. 11:22AM

25 Q. Okay. And -- but does any of the 11:22AM

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1 injury? 12:59PM

2 A. Yes. And I sent pictures of my knee. 12:59PM

3 Q. Okay. And you sent -- 01:00PM

4 A. But I -- 01:00PM

5 Q. You sent these via text message, right? 01:00PM

6 A. Yes, and also -- but it's not a piece of 01:00PM

7 metal. It was wood. 01:00PM

8 Q. Okay. So Pat misstated that. With 01:00PM

9 regard to the -- the material that you hit your knee 01:00PM

10 on, that was a mistake by Pat, to your understanding? 01:00PM

11 A. Yes. 01:00PM

12 Q. Okay. And it says, "And would not be 01:00PM

13 able to work 12/17." Did you work on 12/16? 01:00PM

14 A. Oh, that's -- was my day off. 01:00PM

15 Q. Okay. 01:00PM

16 A. So -- 01:00PM

17 Q. So 12/17 was the next day you were 01:00PM

18 scheduled to work? 01:00PM

19 A. Yes. But I -- I talked to Pat and I 01:00PM

20 told him, "I need a few days and see if I can even 01:00PM

21 walk and I will let you know." So I was not even 01:00PM

22 able to get out of the house. How can I go to the 01:00PM

23 doctor? 01:00PM

24 Q. Sure. Okay. Down under "Action taken 01:00PM

25 by manager," it says, "Asked for incident report. 01:01PM

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1 is from you, and it says, "My boy, I just had a hit 01:26PM
2 on my knee." 01:26PM
3 Do you remember texting that to 01:26PM
4 Mr. Garcia? 01:26PM
5 A. Yeah. But you can see it's like a -- 01:26PM
6 the phone, sometimes they send different words. 01:26PM
7 Q. Okay. The next one -- the next time 01:26PM
8 you -- there was an exchange of text messages was on 01:26PM
9 Thursday, December 17th, 2020. That was expected to 01:26PM
10 be the day that you would come back after your day 01:26PM
11 off, but you could not work on that day, correct? 01:26PM
12 A. Correct. 01:26PM
13 Q. Okay. And it's a text from Ceasar and 01:26PM
14 it says, "My boy, Pat needs the report. His boss is 01:27PM
15 pushing him." 01:27PM
16 Did you receive that from Ceasar on 01:27PM
17 December 17, 2020? 01:27PM
18 A. Yes. 01:27PM
19 Q. And it looks like you sent him a picture 01:27PM
20 of a report on that same date. Is that accurate? 01:27PM
21 A. Yes. 01:27PM
22 Q. On the next page, it appears Ceasar 01:27PM
23 responded to that, "Okay. You are good." 01:27PM
24 Was that still on December 17? 01:27PM
25 A. Yes. 01:27PM

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1 Q. You responded, "I thought I sent it," 01:27PM
2 right? 01:27PM
3 A. Right. 01:27PM
4 Q. Okay. And he responded, "Eric Wright is 01:27PM
5 pushing him." 01:27PM
6 Is that an accurate translation there? 01:27PM
7 A. Yeah, pretty much. 01:27PM
8 Q. And the next one, this is -- these are 01:27PM
9 still on December 17th. Ceasar said, "Are you coming 01:28PM
10 to work tomorrow?" 01:28PM
11 Did you receive that on December 17th? 01:28PM
12 A. Yes. 01:28PM
13 Q. And did you respond to him on 01:28PM
14 December 17th? 01:28PM
15 A. Called him. 01:28PM
16 Q. Okay. And what did you tell Ceasar on 01:28PM
17 December 17th in response to his question whether 01:28PM
18 you're coming to work tomorrow? 01:28PM
19 A. I told him that I needed more days 01:28PM
20 because I can barely walk, my pain was really, 01:28PM
21 really -- you know, was really hard to even walk to 01:28PM
22 the restroom. So I told him I am going to need a few 01:28PM
23 days and he told me, "Call Pat and let him know." 01:28PM
24 Q. Okay. And that conversation was on 01:28PM
25 December 17th? 01:28PM

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1 Q. I'm sorry. What was the last part? 01:40PM

2 A. Yes, the same -- you know, I told him 01:40PM

3 that I need to take a few days and see if I can walk 01:41PM

4 normal and go back to work. 01:41PM

5 Q. Okay. But the text message said, "Sorry 01:41PM

6 Pat, I don't think I can work tomorrow," right? 01:41PM

7 A. Right. 01:41PM

8 Q. Okay. But you're saying on the phone 01:41PM

9 you told him you needed more than one day off? 01:41PM

10 A. Yeah, I told him, "I might need a few 01:41PM

11 days. I will let you know." 01:41PM

12 And he says, "Yes, no problem. Just let 01:41PM

13 me know." 01:41PM

14 Q. And when he said, "Just let me know," 01:41PM

15 did -- was there an understanding between you two 01:41PM

16 about how regularly you would check in? 01:41PM

17 A. Yes. 01:41PM

18 Q. How regularly -- when were you expected 01:41PM

19 to contact him again after that conversation on the 01:41PM

20 16th? 01:41PM

21 A. At least next Monday. I was going to 01:41PM

22 take the whole weekend off and see if I can move my 01:41PM

23 leg. That's what I told him. I told Pat and I told 01:41PM

24 Ceasar. 01:41PM

25 Q. Next sentence says, "I asked him to call 01:41PM

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1 I think we're -- I think we're at a 02:34PM
2 crossroads here. You're still thinking about that 02:34PM
3 first day of the week where you're coming in late. I 02:35PM
4 mean any other time where you were running a little 02:35PM
5 bit late, or you were sick perhaps, did you text 02:35PM
6 message people if you were going to be late? 02:35PM
7 A. I text them and I call them, say, "I'm 02:35PM
8 not showing up because I'm sick" or "I'm coming 02:35PM
9 late." 02:35PM
10 Q. Okay. And you liked to do it via text 02:35PM
11 so that you had the record? 02:35PM
12 A. Both, yes. But I used -- I used to call 02:35PM
13 Ceasar or Pat, and if I had no answer from Pat, I 02:35PM
14 will text him. 02:35PM
15 Q. Okay. So at any point did you text 02:35PM
16 anybody -- well, let me back up. 02:35PM
17 We talked a little earlier about how 02:35PM
18 when you got to your 14 hours and you clocked out but 02:35PM
19 you had to work a little bit longer than the 14 hours 02:35PM
20 to finish things up. Remember that discussion? 02:35PM
21 A. Yes. 02:35PM
22 Q. Okay. Did you ever text Pat about that 02:35PM
23 or was that just over the phone? 02:36PM
24 A. It was over the phone. So I got -- 02:36PM
25 talked to him a few times and he says, "Just don't go 02:36PM

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1 over, you know, the limit that -- don't -- if it 02:36PM
2 is" -- once -- I think he told me once, "If you're 02:36PM
3 going to be helping about an hour, don't clock out," 02:36PM
4 but -- because he says that he can prove, like, okay, 02:36PM
5 he was working in the yard so he doesn't do anything 02:36PM
6 with the DOT time. 02:36PM
7 Q. The 14-hour limit is applicable to drive 02:36PM
8 time, right? 02:36PM
9 A. Yeah. Pretty much, yes. 02:36PM
10 Q. Okay. But it was common practice to not 02:36PM
11 want to be on the clock for more than 14 hours to 02:36PM
12 risk that? 02:36PM
13 A. Unless they call me on my way to send me 02:36PM
14 someplace else and say, "You know what? We need this 02:36PM
15 done," then I usually say, "But I'm going to be over 02:36PM
16 my 14 hours." And sometimes they told me I'm going 02:36PM
17 to be over my 70-hour limit a week, and they told me, 02:36PM
18 "Yeah, this needs to be done, so help us and don't 02:37PM
19 worry about the time." So that's what I did. 02:37PM
20 Q. Okay. And we -- we broke down -- we 02:37PM
21 broke down one of your days earlier about how long it 02:37PM
22 took to do certain tasks, right? 02:37PM
23 A. Right. 02:37PM
24 Q. And we -- you know, it was roughly an 02:37PM
25 hour and a half first thing in the morning? 02:37PM

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1 A. Yes. 02:56PM

2 Q. Okay. And you said it was a couple of 02:56PM

3 hours per week? 02:56PM

4 A. Yes. 02:56PM

5 Q. And any -- any instances where it was 02:56PM

6 more than two hours in that week that -- that you 02:56PM

7 were not compensated for? 02:56PM

8 A. I never took any breaks when I -- the 02:56PM

9 whole time that I was working for Honey Bucket 02:56PM

10 because they always kept me busy, so I don't know we 02:56PM

11 can say anything about that. I don't know. It's, 02:57PM

12 like, maybe a half an hour a day for the breaks. But 02:57PM

13 I -- I don't think that I request any of that. 02:57PM

14 Q. Okay. So you're not seeking 02:57PM

15 compensation for the breaks? 02:57PM

16 A. I don't know what to say. 02:57PM

17 Q. Well, are you or are you not seeking 02:57PM

18 compensation for not receiving rest periods? 02:57PM

19 MR. BROWN: Overbroad, vague, lacks 02:57PM

20 foundation. 02:57PM

21 THE WITNESS: Oh, yes. I -- I work for it. 02:57PM

22 Q. (BY MR. WILLIAMS): And we talked I 02:57PM

23 think the last time about knowing the policies in the 02:57PM

24 handbook, right? 02:57PM

25 A. Yes. 02:57PM

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1 Q. And that there were clear policies in 02:57PM
2 place at Northwest Cascade about meal periods and 02:57PM
3 rest breaks, right? 02:57PM
4 A. Yes. 02:57PM
5 Q. And nobody ever told you that you 02:57PM
6 couldn't take rest periods, right? 02:57PM
7 A. No. No one told me that. 02:58PM
8 Q. Okay. Nobody ever tried to interfere 02:58PM
9 with you taking the rest breaks you were entitled to, 02:58PM
10 right? 02:58PM
11 A. Oh, sometimes, but not for long. So a 02:58PM
12 couple of minutes to ask me if I can do extra things. 02:58PM
13 Q. Okay. When did those -- when did those 02:58PM
14 times happen? 02:58PM
15 MR. BROWN: Overbroad. 02:58PM
16 THE WITNESS: During lunch times. 02:58PM
17 Q. (BY MR. WILLIAMS): Well, we're talking 02:58PM
18 about rest breaks now. We already have talked about 02:58PM
19 meal periods. 02:58PM
20 A. Oh, okay. 02:58PM
21 Q. Just rest breaks. Did you ever -- did 02:58PM
22 anyone ever interfere with your ability to take rest 02:58PM
23 periods? 02:58PM
24 A. No. 02:58PM
25 Q. Okay. And did you ever complain to any 02:58PM

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1 of your supervisors that you were not able to take 02:58PM
2 rest breaks for any reason? 02:58PM
3 A. Yes. I told them that I want to finish 02:58PM
4 my route, you know, not to leave anything for next 02:58PM
5 day. So that's why I said I don't think that I can 02:58PM
6 take breaks. There's too much work, and -- 02:58PM
7 Q. Okay. Who did you tell that to? 02:58PM
8 MR. BROWN: Whoa. Whoa. Whoa. Let the 02:59PM
9 record reflect the witness has not completed his 02:59PM
10 response. 02:59PM
11 Go ahead. 02:59PM
12 THE WITNESS: Well, I -- I talked to Pat 02:59PM
13 because I told him, you know, if I take breaks, 02:59PM
14 especially in San Francisco, there is no way that I 02:59PM
15 can say, "Okay. It is my break time." How can I do 02:59PM
16 that? It's -- it's not easy, and it's a big city. 02:59PM
17 There's a lot of traffic. If you park, you can get a 02:59PM
18 ticket or you can -- you know, a lot of people will 02:59PM
19 be, you know, asking you to move your truck. So it 02:59PM
20 is -- it's -- it's really hard to get a -- even a 02:59PM
21 lunch break. You had to go around the city to find a 02:59PM
22 place to park with your truck and trailer to get your 02:59PM
23 meal. 02:59PM
24 Q. Okay. And what did Pat tell you in 02:59PM
25 response to you informing him you didn't think you 02:59PM

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1 could take your rest breaks? 02:59PM

2 A. I think he didn't say anything. He 02:59PM

3 said, "Just try your best, if you can take them." 02:59PM

4 Q. Did he encourage you to take them if you 02:59PM

5 could? 02:59PM

6 A. No. 02:59PM

7 Q. Well, you just said he told you to try 02:59PM

8 your best to take them, right? 03:00PM

9 A. Yes. Yes. 03:00PM

10 Q. Did you take that as Pat encouraging you 03:00PM

11 to take a rest break? 03:00PM

12 A. Yes. 03:00PM

13 Q. And when did you complain about this to 03:00PM

14 Pat? When was this? 03:00PM

15 A. The first time that I -- it was 2016 03:00PM

16 that I was working a lot of hours and days, so -- 03:00PM

17 Q. So he tell you -- I didn't mean to 03:00PM

18 interrupt. I'm sorry. Keep going. 03:00PM

19 A. No. No. You know, it's like -- like I 03:00PM

20 said, you check my records. Like, I really like to 03:00PM

21 work. So I'm not like, "Oh, let me take breaks any 03:00PM

22 time I want to." No. I keep myself moving because 03:00PM

23 it -- it -- it is the best way that I cannot have 03:00PM

24 a -- you know, like, breaks and -- or, you know, the 03:00PM

25 equipment. 03:00PM

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1 Q. And Jayson's white? 03:24PM
2 A. Yes. 03:24PM
3 Q. And then in 2018, the two supervisors 03:24PM
4 promoted, Dane and Jacob, are white? 03:24PM
5 A. Yes. 03:25PM
6 Q. And did -- did anything about the 2016 03:25PM
7 promotion decisions make you think that you didn't 03:25PM
8 receive that opportunity because of your race or 03:25PM
9 nationality? 03:25PM
10 A. Yeah, I start thinking about that. 03:25PM
11 Q. Yeah. What -- what was the reason you 03:25PM
12 believed that was related to your race or 03:25PM
13 nationality? 03:25PM
14 A. Because nobody has the experience that I 03:25PM
15 have and not even the years working in the same 03:25PM
16 fields. They pretty much -- they all were new to 03:25PM
17 this business and I have seven years of experience 03:25PM
18 doing supervising with Adam's Sanitation. 03:25PM
19 Q. Did anybody at Northwest Cascade ever 03:25PM
20 tell you anything that made you think that that 03:25PM
21 decision was based upon your race or nationality? 03:26PM
22 A. No. But I -- I -- I had a phone call 03:26PM
23 from Washington, somebody who was human resources, 03:26PM
24 and he asked me a few questions about, you know, my 03:26PM
25 application, and then he -- and I told him everything 03:26PM

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1 was only positions for new drivers. 03:29PM

2 Q. Okay. So the question I'm asking is how 03:29PM
3 often during your employment did you check the online 03:29PM
4 posting? 03:29PM

5 A. Like, every three months because I -- I 03:29PM
6 was bringing more people into the company, new 03:29PM
7 drivers. 03:30PM

8 Q. Do you know when Juan and Cruz were 03:30PM
9 promoted to their positions in Santa Rosa? 03:30PM

10 A. I think they were supervisors before I 03:30PM
11 was hired. I'm not sure because what -- I believe 03:30PM
12 Cruz was working with the company that they bought in 03:30PM
13 Santa Rosa. 03:30PM

14 Q. All right. So back -- looking back at 03:30PM
15 Exhibit 30, in Paragraph 14 there, it says -- on 03:30PM
16 Line 12, the sentence there says, "Plaintiff has 03:30PM
17 applied for multiple positions" -- excuse me -- 03:30PM
18 "Plaintiff has applied for multiple promotions 03:30PM
19 without success." 03:30PM

20 So the two applications we've talked 03:30PM
21 about, 2016 and 2018, those are the only two that 03:30PM
22 you've applied for, right? 03:31PM

23 A. Yes. 03:31PM

24 Q. Okay. And the sentence continues, "and 03:31PM
25 witnessed less-experienced Caucasian employees 03:31PM

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1 receive these opportunities." 03:31PM

2 So is that with regard to Jayson, Jacob, 03:31PM

3 and Dane? 03:31PM

4 A. Yes. 03:31PM

5 Q. Okay. And you believed that they were 03:31PM

6 less experienced than you? 03:31PM

7 A. I do because they had no experience in 03:31PM

8 this business. And even Ceasar, he was a supervisor 03:31PM

9 for, like, three months with Farwest. 03:31PM

10 Q. Okay. And did you ever ask Jayson, 03:31PM

11 Dane, and Jacob what their past experience was? 03:31PM

12 A. No. 03:31PM

13 Q. So how did you know that they were less 03:31PM

14 experienced? 03:31PM

15 A. Because they -- they -- they -- if you 03:31PM

16 had experience, you should be hired as a supervisor, 03:31PM

17 not as a driver. But they were drivers before and 03:31PM

18 they only spend, like, maybe eight months being 03:31PM

19 drivers and then become supervisors. How can -- you 03:31PM

20 know, how can -- it's not possible when you have 03:32PM

21 people who has more experience and more years in this 03:32PM

22 field. 03:32PM

23 Q. Well, you weren't hired as a supervisor, 03:32PM

24 right? You were just hired as a driver? 03:32PM

25 A. Yes. 03:32PM

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1 Q. Okay. The next sentence reads, 03:32PM
2 "Defendant also treated Plaintiff and other 03:32PM
3 non-Caucasian workers differently by assigning them 03:32PM
4 longer hours and heavier workloads than Caucasian 03:32PM
5 employees." 03:32PM
6 So what non-Caucasian workers were 03:32PM
7 assigned longer hours and heavier workloads than 03:32PM
8 Caucasian workers? 03:32PM
9 A. That's on No. 16, right? 03:32PM
10 Q. No. It's Line 14 to 15 in Paragraph 14. 03:32PM
11 A. Okay. Okay. Okay. 03:32PM
12 Q. I'm asking you which non-Caucasian 03:32PM
13 workers were assigned longer hours and heavier 03:33PM
14 workloads? 03:33PM
15 A. Lucas Robles, Michael Morales, Jerry -- 03:33PM
16 I don't remember his last name -- Jerry Valera. 03:33PM
17 Q. Did you get assigned longer hours and 03:33PM
18 heavier workloads than Caucasian employees? 03:33PM
19 A. Yes. 03:33PM
20 Q. Anybody else -- non-Caucasian workers 03:33PM
21 being assigned longer hours and heavier workloads? 03:33PM
22 A. No. 03:33PM
23 Q. Okay. What -- what Caucasian employees 03:33PM
24 were receiving shorter hours and lighter workload 03:33PM
25 assignments? 03:33PM

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1 load -- workload, were there any other actions taken 03:38PM
2 by Jayson that you felt were discriminating or in 03:38PM
3 retaliation against you relating to your medical 03:38PM
4 leaves? 03:38PM
5 A. No. I don't remember that anymore. 03:38PM
6 Q. Okay. Other than Jayson, did anybody 03:38PM
7 else at Northwest Cascade take any actions towards 03:39PM
8 you that you felt were either discriminatory or 03:39PM
9 retaliatory related to your medical leaves or 03:39PM
10 injuries? 03:39PM
11 A. Not sure. But every time that I have an 03:39PM
12 injury, even if I told him that I was not completely 03:39PM
13 okay to go back to work, they -- they say "Oh, what? 03:39PM
14 We need you, so come back to work and we going to 03:39PM
15 give you a helper." So pretty much I was forced to 03:39PM
16 work with an injury. 03:39PM
17 Q. Okay. And who do you believe was 03:39PM
18 forcing you to work with an injury? 03:39PM
19 A. Well, I can say Pat because he says, 03:39PM
20 "You're going to be just right, and so we're going to 03:39PM
21 send you a helper." But anyways, it's -- you know, 03:39PM
22 it was my back, so now I'm still dealing with pain. 03:39PM
23 Q. Okay. And which instances -- well, let 03:40PM
24 me ask -- okay. 03:40PM
25 So you've just said that Pat forced you 03:40PM

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REPORTER'S CERTIFICATE

I, Amber S. Williams, CSR NO. 1080,
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me.

That the testimony and all objections made
were recorded stenographically by me and transcribed
by me or under my direction.

That the foregoing is a true and correct
record of all testimony given, to the best of my
ability.

I further certify that I am not a relative
or employee of any attorney or party, nor am I
financially interested in the action.

IN WITNESS WHEREOF, I set my hand and seal
this 6th day of April, 2022.

<%11663,Signature%>

AMBER S. WILLIAMS, CSR NO. 1080

Notary Public

Post Office Box 2636

Boise, Idaho 83701-2636

My commission expires June 1, 2027

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EXHIBIT E

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

---oOo---

LUIS LOPEZ,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:21-cv-06150
)	
NORTHWEST CASCADE, INC.,)	
dba HONEY BUCKETT,)	
)	
Defendant.)	
_____)	

REMOTE VIDEO DEPOSITION OF CESAR GARCIA

Thursday, May 26, 2022

10:00 a.m. - 12:30 p.m.

Via Zoom Videoconference

Reported Remotely By: Patricia Rosinski, CSR No. 4555

Patricia Callahan Reporting
Certified Shorthand Reporters
(510) 885-2371
depos@callahanreporting.com

1 Q. Okay. And about how long did that online
2 course take?

3 A. I think it was an eight-hour course, if I
4 remember correctly.

10:36AM 5 Q. And the eight hours, was this a course and
6 some sort of test at the end, if --

7 A. It was a combination online course, yes.

8 Q. Okay. At any time -- and this was -- I'm
9 sorry -- every two years; is that correct?

10:37AM 10 A. I don't -- if I recall correctly, it was,
11 yeah.

12 Q. At any time while you were a supervisor at
13 Honeybucket, did you receive training in
14 anti-harassment practices or policies?

10:37AM 15 A. I think that was all wrapped up in that
16 one -- one -- sorry, I don't remember the name of
17 the -- of the course, I mean, I -- all of that was
18 pretty much covered in that course.

19 Q. And where did you physically take the
10:37AM 20 online course?

21 A. In my house online.

22 Q. Have you ever heard the term
23 "whistleblower"?

24 A. Yes.

10:37AM 25 Q. And what's your understanding of what that

1 means?

2 A. In layman's term, a rat like you call them
3 in the street or -- or somebody who brings somebody
4 up to -- some -- someone who brings to the attention
10:37AM 5 of another, that's what I can describe.

6 Well, not necessarily a rat. I'm sorry I
7 said "rat," because that would be something...

8 But, yeah, I think that's what my -- my
9 understanding of a whistleblower, somebody that goes
10:38AM 10 out and rats out on something that they think is
11 wrong.

12 Sorry for the lack of a better term, but...

13 Q. No, that's fine. I mean, it's your
14 testimony. That's perfectly fine.

10:38AM 15 Why do you refer to it, though, as a rat or
16 a rat-like connotation?

17 A. Too many Soprano movies, maybe.

18 Q. You're a Soprano fan?

19 A. I watch them.

10:38AM 20 Q. How many times through have you seen the
21 Sopranos?

22 A. I had no -- never saw it again. Just went
23 through the pain of watching it once.

24 Q. I've done it twice. I'm with you.

10:38AM 25 Did Honeybucket -- or while you were at

1 Q. Okay. And how was he good about doing
2 that?

3 A. I -- I looked -- the way he told -- the way
4 he did it to me when he told me, you know, If you
10:43AM 5 ever have any concerns and you want to come straight
6 to me, yeah, he was -- he was pretty -- pretty open
7 to -- to taking -- he's got an open-door policy
8 where you -- you can go talk to him.

9 Q. If an employee at Honeybucket had a
10:43AM 10 complaint about something in the workplace, did they
11 have to fill out written forms, or could they just
12 verbally tell Pat or you or some other supervisor?

13 A. They can verbally just say it.

14 Q. Okay. And when you say "open-door policy,"
10:43AM 15 what do you mean by that?

16 A. That -- that you can walk in with Pat and
17 sit down with him and ask him anything job related.

18 Q. Okay. And if an employee had a verbal --
19 had a complaint, they could express it verbally or
10:44AM 20 orally. They didn't have to put it out in writing;
21 is that correct?

22 A. That's correct.

23 Q. As a supervisor at Honeybucket, did you
24 receive any training in learning how to spot
10:44AM 25 discrimination in the workplace?

1 A. No.

2 Q. At Honeybucket did you receive any or
3 review any policies or procedures about taking
4 medical leave?

10:44AM 5 A. No.

6 Q. Have you ever heard of what's called the
7 Family Medical Leave Act or FMLA?

8 A. Yes.

9 Q. Okay. And what's your understanding of the
10:44AM 10 FMLA?

11 A. Well, I used it one time in my life, so...
12 It's if you needed to take care of a family member
13 or a loved one -- and I know there's certain
14 guidelines. I used it for my father -- that you
10:44AM 15 could take, I believe -- I took six months off from
16 the garbage company.

17 Q. Okay. And was that to assist your father
18 or a family member?

19 A. Yes. To -- to assist my father, yes.

10:45AM 20 Q. And do you understand the FMLA also applies
21 to you or employees themselves who have serious
22 medical injuries?

23 A. I probably could -- no, I'm not one
24 hundred -- I know I used it for my father, but -- so
10:45AM 25 for a loved one, I'm not sure if it applies to me if

1 I want to use it.

2 You mean FMLA on my own person?

3 Q. Correct.

4 A. No, I did not know that.

10:45AM 5 Q. Okay. Do you understand that FMLA or the
6 Family Medical Leave Act, it's a labor law that
7 requires certain employers to protect employees'
8 jobs where they do take medical leave?

9 A. Well, it sounds like something that should
10:45AM 10 happen, yes.

11 Q. Okay. Have you received any training
12 specifically on FMLA while at Honeybucket?

13 A. No.

14 Q. But have you learned, or do you believe
10:46AM 15 it's illegal to fire somebody for having a medical
16 condition?

17 A. Yeah, I believe that's illegal, yes.

18 Q. Okay. What about disability; have you
19 received any training or do you believe that it's
10:46AM 20 illegal to fire somebody for having a disability?

21 A. I haven't received any training, but I do
22 agree it should be illegal.

23 Q. How about what's called the California
24 Family Rights Act or CFRA; have you ever heard that
10:46AM 25 term before?

1 A. No, I have not.

2 Q. Okay. Have you ever heard of a phrase
3 called "disability accommodation laws" or something
4 to that -- along those lines?

10:46AM 5 MR. WILLIAMS: It calls for expert
6 testimony. It calls for a legal conclusion.
7 Relevance.

8 You can answer.

9 THE WITNESS: No.

10:46AM 10 MR. BROWN: Q. Okay. As a supervisor at
11 Honeybucket, did you ever hear or become familiar
12 with the term "interactive process"?

13 A. No.

14 Q. And have you ever heard the phrase or term
10:47AM 15 "reasonable accommodation" with respect to being a
16 supervisor at Honeybucket?

17 A. Reasonable -- I don't understand what
18 you -- what that means.

19 Q. That's fine.

10:47AM 20 Do you understand that an employer has
21 certain obligations or may have certain obligations
22 to an employee to return his or her job to them
23 after an injury?

24 A. You mean light duty?

10:47AM 25 Q. Well, it could be light duty or something

1 where he was. We expected him to come back Friday.

2 Q. And did he respond?

3 A. No.

4 Q. Do you recall any other phone conversations
11:53AM 5 you had with him after December 15th?

6 A. No.

7 Q. Did you have any concern about Mr. Lopez's
8 knee and ability to return to work?

9 A. No.

11:54AM 10 MR. BROWN: Let's look at next in order, PD
11 to EW 12/21/20, please.

12 (Whereupon, Plaintiff's Exhibit 7 was
13 remotely introduced and provided
14 electronically to the reporter.)

11:54AM 15 MR. BROWN: Q. Mr. Garcia, when you spoke
16 to Mr. Lopez on the 15th, did he ever tell you he
17 was quitting Honeybucket?

18 A. No.

19 Q. Did he ever tell -- did he ever say
11:54AM 20 anything about abandoning his job?

21 A. No.

22 Q. Okay. And did you understand that
23 Mr. Lopez was entitled to take time off for medical
24 leave on December 15th?

11:55AM 25 A. No, I don't -- I'm sure if he was hurt.

1 Q. And because he was hurt, did you understand
2 he's entitled to take time off?

3 MR. WILLIAMS: It calls for --

4 (Overlapping speakers.)

11:55AM 5 THE WITNESS: It's not my decision.
6 They're entitled -- he's entitled, yes.

7 MR. BROWN: Q. Okay. Did you have any
8 doubt as to the seriousness of Mr. Lopez's knee
9 after talking to him?

11:55AM 10 MR. WILLIAMS: Vague --

11 THE WITNESS: Well --

12 MR. WILLIAMS: -- as to "doubt."

13 MR. BROWN: Q. I'm sorry. I didn't hear
14 you, Mr. Garcia.

11:55AM 15 A. Can you repeat your question?

16 Q. Sure.

17 After speaking to Mr. Lopez, did you ever
18 have any doubt about the seriousness of his injury?

19 A. Did I have any doubt about -- after I spoke
11:55AM 20 to him, he said he was going to continue working. I
21 didn't think too much of it.

22 Q. And did he actually tell you that, that he
23 was going to continue working?

24 A. Yes.

11:56AM 25 Q. And he said, meaning -- what did you

1 understand that to mean?

2 A. That he was going to keep going. So I
3 would have told him if he gets -- if you feel you
4 need any -- you will have to contact dispatch if it
11:56AM 5 got any worse, if he felt it was getting worse.

6 But he was -- he was pretty much laughing
7 when he called me because he felt -- he said he felt
8 ridiculous tripping on his -- falling on his knees.

9 Q. After your conversation with Mr. Lopez, did
11:56AM 10 you ever believe he walked off or quit his job at
11 Honeybucket?

12 A. No.

13 Q. Now, if you look at plaintiff's next in
14 order, it's an email -- are we going to call that
11:56AM 15 up, the exhibit?

16 It's an email from Mr. Donohoue to
17 Mr. Wright, dated December 21st, 2020, regarding
18 Luis Lopez's injury. This is a two-page document
19 produced by the defense, Bates-stamped 114 through
11:57AM 20 115.

21 Mr. Lopez have you seen this document
22 before?

23 A. Have I seen -- now I have.

24 Q. Before today have you seen it?

11:57AM 25 A. I don't recall seeing it.

1 of December 12, 2020.

2 Did I read that correctly, more or less?

3 MR. WILLIAMS: December 22? You said 12,
4 Scott.

12:17PM 5 MR. BROWN: Yes, December 22nd, 2020, yes.
6 I appreciate it.

7 Q. Is that accurate, Mr. Garcia?

8 A. Yes.

9 Q. If you look at the last sentence here which
12:17PM 10 says, "As a result, you have violated company
11 policy," do you know what company policy
12 Mr. Donohoue is referring to?

13 A. To the no-call, no-show?

14 Q. Yes.

12:18PM 15 A. Yeah, I -- yes.

16 Q. What is he referring to?

17 A. That he was terminated for no-call, no-show
18 for several days.

19 Q. I appreciate that, but my question is a
12:18PM 20 little different. He refers to a company policy.

21 Are you aware of any written policy that
22 sets out how many days an employee can miss before
23 he's considered to have abandoned his job?

24 A. No, I don't recall what the handbook says.

12:18PM 25 Q. Do you know if the handbook has any policy

1 on abandonment of a job?

2 A. I don't recall if it has it.

3 Q. Okay. Do you know how Mr. Donohoue gets
4 four days as the limit for a no-call, no-show?

12:18PM 5 A. I don't -- I don't know what he thinks or
6 what's his threshold.

7 Q. Okay. And you're not aware of any written
8 policy that sets forth four days as the termination
9 period, are you?

12:19PM 10 A. I don't recall reading anything like that.

11 Q. Did you ever have any discussions with
12 Mr. Donohoue of why -- about why he terminated
13 Mr. Lopez?

14 A. I asked him -- once I found out, he said
12:19PM 15 for job abandonment, and that was it for me.

16 Q. Well, did you have any response or any
17 dialogue with him?

18 A. With Pat, no.

19 Q. Did you consider Mr. Lopez a valuable
12:19PM 20 employee?

21 A. Yes, I did.

22 Q. Did you consider him a solid driver?

23 A. Yes, I do.

24 Q. Were you upset that he was let go?

12:19PM 25 A. Yes.

1 days until after Christmas so he could see a doctor?

2 MR. WILLIAMS: The same two objections.

3 THE WITNESS: No, I don't think it would
4 have been reasonable.

12:28PM 5 MR. BROWN: Q. Okay. Do you see any
6 downside or burden to Honeybucket that you can think
7 of?

8 MR. WILLIAMS: It calls for speculation.
9 It lacks foundation.

12:28PM 10 THE WITNESS: I don't understand your
11 question.

12 MR. BROWN: Q. Is there any downside to
13 Honeybucket waiting a few days before terminating
14 him?

12:28PM 15 MR. WILLIAMS: It calls for speculation.
16 It lacks foundation. Incomplete hypothetical.

17 THE WITNESS: I would just be guessing.
18 No, I don't know.

19 MR. BROWN: Q. And I don't want you
12:29PM 20 guessing, but I want your best personal belief or
21 understanding.

22 Are you aware of any burden to Honeybucket,
23 any downside you could think of to wait a few days
24 until after Christmas before terminating Mr. Lopez?

12:29PM 25 MR. WILLIAMS: The same objections.

1 THE WITNESS: No, I have no opinion on
2 that.

3 MR. BROWN: Q. Do you know anyone else at
4 Honeybucket that's been terminated by abandonment?

12:29PM 5 A. I don't recall.

6 Q. Do you know anyone -- okay. Fair enough.
7 You're not aware of anyone?

8 A. I -- I don't recall. The turnaround there
9 is so big I don't -- I don't know why anybody
12:29PM 10 would -- you know, I don't know.

11 Q. And what do you mean by "the turnaround
12 there is so big"?

13 A. Well, that job is not for everybody, so
14 people come and go.

12:29PM 15 Q. Okay. All right. Now, those are all the
16 questions I have right now.

17 Thank you, Mr. Garcia.

18 A. Thank you.

19 MR. WILLIAMS: I don't have any questions.

12:29PM 20 THE VIDEOGRAPHER: Anything further on the
21 record?

22 THE REPORTER: Yes. I need to get the
23 order.

24 Mr. Williams, do you want a copy?

12:30PM 25 MR. WILLIAMS: Yes, please.

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss.
COUNTY OF MARIN)

I, PATRICIA ROSINSKI, Certified Shorthand Reporter
No. 4555 for the State of California, certify:

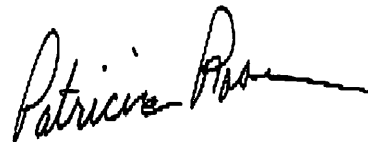
That CESAR GARCIA, the witness in the foregoing
deposition, was by me first duly sworn to testify to
the truth in said cause;

That said proceedings were taken remotely at the
time and place therein stated by me and were
thereafter transcribed by me on computer, after which
the witness was afforded the opportunity to read,
correct, and sign the deposition;

That if unsigned, the witness shall not have
availed him- or herself of the opportunity to sign, or
signature has been waived.

I further certify that I am not interested in
the outcome of said action, nor connected with, nor
related to any of the parties in said action, nor to
their respective counsel.

IN WITNESS WHEREOF, I have hereunto set my hand
this 1st of June, 2022.



Patricia Rosinski

EXHIBIT F

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Federal Rule 26(a)(2)(B)
Lopez v. Northwest Cascade
Report of Plaintiff's Economic Expert

June 27, 2022

1. My name is Phillip H. Allman.
2. My resume is attached. I received a Ph.D. in economics from Michigan State University in 1982. My primary fields of expertise are financial economics, labor economics and econometrics. I have published articles in economics on topics such as the application of statistical methods to class action data, forecasting interest rates, wage growth, and valuing pensions. I have testified in over 800 trials and arbitrations involving the valuation of economic damages. My fee schedule for report preparation and testimony is attached. The list of trials and depositions in which I have testified over the last four years is attached.
3. I have been retained by plaintiff's counsel to conduct an analysis of the economic loss sustained by Luis Lopez as a result of his termination from Northwest Cascade (Honey Bucket) on or around December 22, 2020; I have also been asked to determine amounts due for wage and hour violations (meal break and rest break violations and the unpaid wages, penalties and interest associated with California employment law violations) prior to his termination. **The present discounted value of Mr. Lopez's economic loss with respect to his wrongful termination claim is \$355,006; the total wage and hour violations associated with Mr. Lopez's employer pre-termination California employment law violations is \$37,889.**
4. To perform this analysis I have:
 - interviewed Mr. Lopez
 - reviewed Defendant Northwest Cascade Attachments to Initial Disclosures
 - reviewed Defendant Northwest Cascade Supplemental Initial Disclosures
 - reviewed Mr. Lopez's most recent W-2 and pay statement with Stevenson Smith Enterprises (Crystal Springs)
 - reviewed Mr. Lopez's Prudential 401(k) withdrawal statement dated February 26, 2021
 - reviewed wage data from the U.S. Bureau of Labor Statistics and Occupational Employment Statistics Survey, California Employment Development Department
 - reviewed data on work life expectancy and retirement ages
 - projected future wage growth utilizing data from the U.S. Bureau of Labor Statistics
 - projected future interest rates and inflation rates utilizing data and literature from the Federal Reserve Bank and the U.S. Bureau of Labor Statistics.

- reviewed Barry Ben-Zion, *Neutralizing the Adverse Tax Consequences of a Lump-Sum Award in Employment Cases*, Journal of Forensic Economics, 13(3), 2000, pp.233-244
- reviewed literature from the California Labor Code and California Employment Development Department information on wage and hour employment laws (Sections 203, 226, and 512)
- Reviewed Naranjo v Spectrum Security Supreme Court of California ruling on meal and rest period premium treatment as wages

5. Mr. Lopez was a Route Driver with Northwest Cascade (Honey Bucket). His hourly wage rate was \$27.4187 per hour at the date of the incident.¹ In addition to his hourly wage, he earned a premium for overtime, and earned a bonus. During the first 51 weeks of 2020, he worked 1,809.86 regular hours (including holiday and paid-time-off), 767.72 overtime hours, and 129.36 double time hours.² These hours annualize to 1,845 regular hours, 783 overtime hours, and 132 double time hours. He also earned a bonus of \$3,350 in 2020. At \$27.4187 per hour, his 2020 annualized hours amount to \$93,379 of income.³

6. The annual employer cost of Mr. Lopez's healthcare benefits was \$6,739 in 2020.⁴

7. Mr. Lopez's employer was contributing 2.0 % of his income towards his 401(k) plan.⁵

8. Mr. Lopez secured work with Crystal Springs (Stevenson Smith Enterprises) as a light truck driver on or about August 17, 2021. He is earning \$22.00 per hour working full time with no overtime.⁶

9. Due to need for income, Mr. Lopez took an early withdrawal from his 401(k) plan which triggered a penalty of \$3,640.⁷

10. Mr. Lopez's past loss is calculated from January 1, 2021⁸ through the date of this report. Mr. Lopez's past loss of income with Honey Bucket is \$141,185.⁹ His past loss of health insurance is \$10,321.¹⁰ His past loss of retirement benefits is \$2,824. His early withdrawal penalty is \$3,640. His past actual (mitigating) income is \$33,525.¹¹ His total past loss sums to **\$124,445**.¹²

¹ Source: NWC 508.

² Source: NWC 541-542.

³ \$27.4187 per hour (regular wage rate; source: payroll records) x (1,845 regular hours per year (2020 annualized regular hours including holiday and PTO) + (783 overtime hours per year (2020 annualized overtime hours) x 1.5 (overtime factor)) + (132 double time hours per year (2020 annualized double time) x 2 (double time factor))) + \$3,350 (2020 bonus).

⁴ Source: NWC 541-542.

⁵ Source: NWC 508.

⁶ Source: Mr. Lopez and pay statements.

⁷ 10% (IRS Penalty on early withdrawals; source: IRS website) x \$36,397 (withdrawal amount; source: Prudential statement dated 2/26/2021).

⁸ This report assumes that Mr. Lopez would have returned to work on January 1, 2021, if he was not terminated.

⁹ See Table 1.

¹⁰ See Table 2.

¹¹ See Table 3.

¹² See Economic Loss Summary Table.

11. Interest on past losses calculated at 10% simple totals \$10,180.¹³

12. As of the report date, the annual loss differential on Mr. Lopez's compensation is \$54,300.¹⁴ I have projected that Mr. Lopez's *with-termination income* will converge with his *without-termination income* over the next five years.¹⁵

13. Future values for the next year are discounted to present value using the six-month Treasury bill rate of 2.51 percent. All periods after one year are discounted to present value using an interest rate of 3.5 percent. This rate is based on the historic yield of a balanced portfolio of three-month and ten-year Treasury securities. Since 1955, the average yield on this portfolio has been 1.5 percent higher than the rate of inflation. The rate of general inflation is projected to be 2.0 percent which is Federal Reserve Board of Governors current inflationary target in its conduct of monetary policy.

14. No future wage growth is projected for the year following the trial date. Future wage growth from one year forward is projected at 2.60 percent. This projection is based on the rate of growth for all workers in the United States. According to the Employment Cost Index, wages have grown 0.60 percent faster than the rate of inflation since 1982. Inflation is again projected to grow at 2.0 percent per year which is Federal Reserve Board of Governors current inflationary target.

15. The present discounted value of Mr. Lopez's future loss of compensation is **\$159,548**.¹⁶

16. Presented with a lump-sum award as replacement value to a flow of income over the course of time, the injured party may be faced with a tax expense which is well in excess of tax payments over the course of time. In his seminal article related to this issue, Barry Ben-Zion has termed this impact as the "adverse tax consequence" of a lump-sum award.¹⁷ This consequence is due to the progressive income tax system both federally and in California.

Given that the lump-sum award includes an additional amount to cover the adverse tax impact, the size of the lump-sum payment will again increase which in turn exposes the injured party to even more additional tax requirements. As this progression will occur over and over as an iterative process, additional amounts must be provided to the injured party in order to make her/him whole. Dr. Ben-Zion has adopted the term, "tax neutralization", to identify the computation of the additional amount needed to fully iterate the lump-sum award such that the injured party is ultimately made whole.

The tax neutralization amount is **\$60,834**.¹⁸

¹³ See Table 4.

¹⁴ See Table A.

¹⁵ Five year increments are recorded in census data related to life cycle / seniority rates of change with respect to the average income of workers.

¹⁶ See Economic Loss Summary Table, Table 4 and Table 5.

¹⁷ Barry Ben-Zion, *Neutralizing the Adverse Tax Consequences of a Lump-Sum Award in Employment Cases*, Journal of Forensic Economics, 13(3), 2000, pp.233-244.

¹⁸ See Table 6.

17. Mr. Lopez's total economic loss with respect to his wrongful termination claim is the sum of past and future losses plus past interest plus the tax neutralization amount. **The present discounted value of Mr. Lopez's economic loss is \$355,006.**¹⁹

18. I have identified 353 meal period violations of California Labor Code Section 512 during the period from August 10, 2018 to August 10, 2021 (filing date of claim). Based on the Mr. Lopez's regular wage rate at the time of each violation, this amounts to **\$9,110** of meal period premium wages. Interest calculated at 10% simple for these wages is **\$2,491**.

19. I have identified 486 rest period violations of California Labor Code Section 226.7 during the period from August 10, 2018 to August 10, 2021 (filing date of claim). Based on the Mr. Lopez's regular wage rate at the time of each violation, this amounts to **\$12,673** of rest period premium wages. Interest calculated at 10% simple for these wages is **\$3,252**.

20. Waiting time penalties (Labor Code 203) on the meal and rest period premium wages is: 30 days (maximum) x 8 hours per day x \$26.52 per hour (average wage rate during period) = **\$6,364**.

21. Inaccurate wage statement penalties (Labor Code 226) amount to **\$4,000**.²⁰

22. Unpaid wages due to inaccurate reporting of hours has not yet been determined. Mr. Lopez stated that he believes he was consistently not paid for all the hours he worked. Furthermore, there appear to be numerous inconsistencies in the daily ledger of hours paid relative to hours worked based on the time punch information that was supplied. I will supplement this report when a methodology for determination of these amounts is created along with obtaining the necessary data to perform these calculations. Interest on these amounts will also be calculated.

23. **Mr. Lopez's total wage and hour violations amounts to: \$37,889** (not including unpaid wages and interest as discussed in Paragraph 21).

24. The attached set of tables detail the projections and calculations described above.

25. I am prepared to testify to these projections in deposition or at trial if called upon to do so.

26. The projections are based on the cited references and sources. Thus, these figures are subject to change if the parameters on which they were based change.

Phillip Allman

Phillip H. Allman, Ph.D.

¹⁹ See Summary Table.

²⁰ Maximum amount threshold of \$4,000 achieved. (\$50 for initial pay period in which violation occurs and \$100 for each violation).

ECONOMIC LOSS SUMMARY FOR LUIS LOPEZ		
	Full Value	Present Discounted Value
PAST LOSS		
Income	\$ 141,185 ¹	\$ 141,185 ¹
Health Insurance	\$ 10,321 ²	\$ 10,321 ²
Employer Pension Contributions	\$ 2,824 ^A	\$ 2,824 ^A
IRS Penalty on Early 401(k) Withdrawal	\$ 3,640 ^B	\$ 3,640 ^B
Mitigating (Actual) Wages	\$ (33,525) ³	\$ (33,525) ³
TOTAL PAST LOSS	\$ 124,445	\$ 124,445
INTEREST ON PAST LOSS	\$ 10,180 ⁴	\$ 10,180 ⁴
FUTURE LOSS	\$ 168,658 ⁵	\$ 159,548 ⁵
TAX NEUTRALIZATION AMOUNT FOR ADVERSE TAX CONSEQUENCE OF LUMP SUM AWARD	\$ 60,834 ⁶	\$ 60,834 ⁶
TOTAL ECONOMIC LOSS	\$ 364,117	\$ 355,006

Note: all numbered footnotes refer to table numbers.

A. 2.0% (employer contribution as a percent of gross income; source: pay statements) x Income.

B. 10% (IRS Penalty on early withdrawals; source: IRS website) x \$36,397 (withdrawal amount; source: Prudential statement dated 2/26/2021).

LUIS LOPEZ WAGE AND HOUR VIOLATION SUMMARY (Summary of Penalties, Wages Due & Interest Due)		
MEAL PERIOD VIOLATIONS (LABOR CODE SECTION 512)		
Number of Violations		353
Meal Period Premium Wages Due (calculated at base rate of pay)	\$	9,110
Interest Due	\$	2,491
REST PERIOD VIOLATIONS (LABOR CODE SECTION 226.7)		
Number of Violations		486
Rest Period Premium Wages Due (calculated at base rate of pay)	\$	12,673
Interest Due	\$	3,252
WAITING TIME PENALTY (LABOR CODE 203)	\$	6,364
INACCURATE WAGE STATEMENT PENALTY (LABOR CODE 226)	\$	4,000
UNPAID WAGES		
Wages		N/A
Interest Due		N/A
TOTAL WAGE AND HOUR VIOLATIONS	\$	37,889

EXHIBIT G

Scott Brown

From: Scott Brown
Sent: Friday, June 10, 2022 11:49 AM
To: Glen A. Williams; Rex D. Berry
Subject: Honey Bucket's supplemental production of documents

Counsel,

I am writing regarding Defendant's untimely production of documents, bate stamped 579-603, on June 2 at noon, the day before Mr. Donohoue's deposition. These documents contain material information that should have been produced at the inception of this case, certainly at the time you served your GO 71 disclosures.

The time reports and exported spreadsheets identified by Mr. Donohoue are significant because they confirm that Mr. Lopez was not paid the total amount of time he worked as set forth in the "Trip start time" and "Trip end time" columns of the spreadsheet. They also show that Honey Bucket did not compensate Mr. Lopez for meals to which he was entitled (i.e., 10/1/18 – 10/16/18, bate stamp #579). I am sure you understand the significance of this. At a minimum, Mr. Lopez will prevail at trial on his causes of action 1-5 for violations of the FLSA and Labor Codes, which include attorney fees, costs, and liquidated damages.

At a minimum, this documents will defeat any summary judgment motion on these claims. On this note, if you pursue an MSJ, we will attach this letter as an exhibit to Plaintiff's opposition and reserve the right to seek sanctions for filing a false pleading.

Plaintiff has been prejudiced by your untimely production. Factual discovery cut-off is June 6. Had these reports been produced earlier in this case I would have noticed the Person Most Knowledgeable regarding these documents. Equally disturbing is Mr. Donohoue's testimony that he provided all documents months ago, which means you have had bate stamp nos. 579-603 in your possession, and withheld them until the last possible moment, ensuring that I would have limited time to digest and use them. Accordingly, Plaintiff reserves all recourse and remedies regarding this misconduct.

Regards,

Scott A. Brown
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Walnut Creek, CA 94597
(925) 943-1166